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CASE IN POINT

November 27, 2012

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Negligent entrustment of high-performance motorcycle

The plaintiff, who suffered leg fractures and facial contusions, alleged the defendant negligently operated the motorcycle at an excessive rate of speed. Suit against the dealership where the driver had just obtained the vehicle alleged negligent entrustment. The jury awarded \$575,000. Ferguson v. Morton.



Sheila Ferguson, 36, was walking to her vehicle on a Philadelphia street when a high-performance Suzuki motorcycle driven by Derick Morton struck her and knocked her to the ground. Morton fled the scene.

Ferguson suffered facial contusions and left leg fractures necessitating open reduction and internal fixation surgery. She also required in-patient rehabilitation and physical therapy. Ferguson, a single mother of six children, missed about eight months from her nursing job. She continues to suffer chronic

pain from her injuries.

Ferguson sued Morton, alleging he negligently operated the motorcycle at an excessive rate of speed. The plaintiff also sued dealership Philadelphia Cycle Center, alleging that it negligently entrusted the Suzuki to Morton, a careless driver who lacked a license or insurance.

The jury awarded \$575,000.

Citation: *Ferguson v. Morton*, No. 100903152 (Pa., Phila. Co. Com. Pleas Aug. 2, 2012).

Plaintiff counsel: AAJ member Thomas More Holland, Philadelphia.

Plaintiff experts: Philip Spergel, vocational rehabilitation, Jenkintown, Pa.; Mark Avart, orthopedics, Philadelphia; and William Nash, motorcycles, Santa Barbara, Calif.

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