

Every Injury Shouldn't Result in a Lawsuit – But That's Just Me

☒ In my opinion, fifty-eight year old, Gayane Zokhrabov, has too much time on her hands. Or maybe her lawyer does. I'm not sure. You decide which one is the bonehead. You might decide neither.

At the same time Zokhrabov was waiting for a commuter train, 18-year old Hiroyuki Joho decided to cross the tracks but got hit instead by the train going 70 mph. As a result, his body parts went flying all over the place and one large piece flew 100 feet and struck Zokhrabov breaking her wrist.

Well, living in what's probably the most litigious country in the world, Zokhrabov found a lawyer, Leslie Rosen (or did the lawyer find her?), to sue Joho's estate as well as the two railway companies. The trial judge ruled that the train companies bore no responsibility and that she had no claim against Joho because his death was an accident. Well, she appealed the trial court's ruling and the Illinois state appeals court overturned part of the decision.

The appeals court upheld the decision that the train companies were not responsible for her injuries. However, it tossed out the second part of the decision and found that "it was reasonably foreseeable" that crossing the tracks in the path of an oncoming train could present a risk to those in the immediate environment. In other words, Joho was guilty of negligence.

According to her lawyer, "if you do something as stupid as this guy did, you have to be responsible for what comes from it."

Well, I agree that the 18-year old was about as dumb as they come when he tried to cross the tracks in the path of an Amtrak train speeding towards him. But what exactly do Rosen and her client expect to collect? The kid's Nintendo? Or maybe his X-Box? Or his iPod? Exactly what kind of an estate does this 18-year old have?

Maybe they'll drop the case now that there are no longer any deep pockets, i.e., the train companies. But why include the kid in the lawsuit in the first place? Yeah, he was stupid; yeah, he should win a Darwin award; and, yeah, he should've figured out that he couldn't beat the train. He guessed wrong and paid the ultimate price for his stupidity. Maybe if Zokhrabov suffered life-threatening injuries I'd feel a little different. But do we really need another lawsuit over a broken wrist?

Just because something happens which is someone else's fault doesn't warrant a lawsuit. I'm sure the parents are suffering far more pain over the loss of their child than Zokhrabov is suffering from her broken wrist. Legally, she may have a case, but I just can't see how she can bring herself to file the lawsuit against the guy's estate.

I don't get it, but if you do, God bless you.