

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

JENNIFER L. GRIMSLEY v. CAITLYN R. WATKINS
(Record Number 201200)

From

The Circuit Court of Albemarle County; C. Higgins, Judge.

Counsel

Robert E. Byrne, Jr. (Martin Wren, P.C.) for appellant.

John P. Cattano and Christopher L. Smith (Central Virginia Litigation, PLC) for appellee.

Assignments of Error

1. The Trial Court committed reversible error when it permitted a police officer, who had not been designated or qualified as an expert, and who did not witness the crash at issue, to testify regarding what he understood the Plaintiff's crash scene statement to mean.
2. The Trial Court committed reversible error by granting a jury instruction for contributory negligence when there was not more than a mere scintilla of evidence that Plaintiff's negligence, if any, caused Defendant to exit the highway, travel into the grassy median at a high rate of speed, and crash into the back of Plaintiff's stopped car at that high rate of speed.
3. The Trial Court committed reversible error by refusing to grant a last clear chance jury instruction when the evidence showed that Plaintiff was stopped for 5 to 10 seconds in the grassy median of a busy highway and the Defendant struck her at a high rate of speed even though the Defendant saw Plaintiff's car leave the road and come to a stop several seconds before the crash.