

MARK'S STORY

A real case demonstrating
why Joint & Several Liability
must not be abolished or restricted.

Mark's Story

Mark was an active and healthy 43-year-old when he went out for a motorcycle ride that changed his life. Due to the impatience of a truck driver, Mark sat engulfed in flames for several minutes. He was so severely burned that he will never again lead a normal life. Even sitting in a wheelchair is excruciating for Mark.

On June 3, 2004, life was good for 43-year-old Mark of Pittsburgh. Work was going well, his family was healthy, and it was a beautiful, crisp morning. As was his habit on such glorious days, he decided to go for a ride on his motorcycle. Little did he know that he was about to fall victim to an accident that would change his world forever and cause him a lifetime of physical pain and suffering.

On his ride that morning Mark stopped at a traffic light on Forbes Avenue in downtown Pittsburgh, and a large tri-axle coal truck pulled up behind him. When the light turned green, Mark apparently did not move out fast enough to satisfy an impatient truck driver who blew his horn and then lurched forward hitting the rear of Mark's bike. The cycle was knocked to the ground with Mark on it, and the coal truck ran up over the rear of the bike trapping Mark's legs beneath it. Suddenly, as he struggled to free himself, the motorcycle and truck burst into flames! What then followed was a personal terror of almost unimaginable dimension. As horrified bystanders looked on, Mark screamed for his life while flames engulfed him for upwards of 20 minutes before firefighters could finally douse the blaze. Worst of all, Mark remained conscious throughout the entire time.

Through the heroic efforts of police, paramedics, and other rescue personnel, Mark was eventually freed from underneath the truck. Unfortunately, however, he sustained significant burns to his right leg, thigh, and buttocks, and a crush injury to his left foot. He was rushed to a local trauma center where his right leg was amputated at mid-thigh. His anus and rectum were burned so badly that an emergency colostomy had to be created to divert waste material from damaged tissue that would otherwise be susceptible to serious infection and contamination. His crushed left foot was able to be salvaged, although multiple pins and screws had to be placed in it. The first few days in the hospital were bad, very bad, but they were tame compared to what Mark was about to experience.

Because the burns in his buttocks, right leg and thighs were so serious and life-threatening, Mark remained in the burn unit of a Pittsburgh hospital for four months. During that time, he underwent five major skin graft procedures. Even for a man who prided himself on his toughness, the pain associated with the skin grafts and the resulting bandage changes was more than he could bear. The bandage changes were so painful that he was heavily medicated immediately beforehand, and the nurses had to stuff a wash cloth in his mouth to muffle the screaming. In addition, he had to lay motionless on his stomach for days at a time so as not to disturb freshly grafted skin. His daily regimen of pain medications included Morphine, Dilaudid, MS Contin, Oxycontin and Fentanyl. Day after day the cycle of agony, isolation and fear continued.

Mark was finally discharged from the hospital in October 2004, but his ordeal was far from over. It will never be over. Since the day he was discharged from the hospital up until the present time — that is *every single day* for the past 13 months — he has returned to the hospital for bandage changes. Even six months after returning home, the changes were so painful that family members could not sit outside the procedure room because they could hear Mark crying aloud as the nurse peeled away yet another dressing. His life for months consisted of nothing other than laying in a bed knowing that literally every move he made, something even as simple as turning on his side, caused pain. His nights were consumed by the knowledge that tomorrow brings yet another bandage change.

Yes, the physical pain was unrelenting, but his story goes beyond that. Mark is not like other amputees. Other amputees have a healthy leg stump with normal skin that can be fitted with a prosthesis. Mark's stump is terribly burned. As a result, it is doubtful that it will ever be able to tolerate a prosthesis. He likely faces a lifetime in a wheelchair, but Mark is not like other people who use a wheelchair. Other people have healthy skin on their buttocks, but Mark's buttocks is so horribly burned that even the basic act of sitting offers no break from the pain. On top of all that, his doctors say that Mark's colostomy will likely never be reversed if he remains wheelchair bound.

The extent, intensity and duration of Mark's physical pain is matched only by his mental anguish. The depression and despair, stoked by months of unrelenting pain, were so thick and suffocating that when he arrived home from the hospital one of the first things Mark's older brother did was to remove his gun from the home.

In the end, mere words cannot begin to convey the extent of the suffering endured by this young man. If you do not believe that, look at the photographs that accompany this paper.

Mark was an innocent victim whose life was changed forever by the negligence of an impatient truck driver. His heartbreaking story is the perfect example of why the common law doctrine of Joint and Several Liability should not be abrogated or otherwise legislatively modified in Pennsylvania.



An impatient truck driver crushed Mark beneath his vehicle, which then burst into flames with Mark trapped under the wheel.



Mark lost his right leg at mid-thigh and suffered life-threatening burns due to the truck driver's impatience.



Dressing changes are a daily occurrence for Mark and bring excruciating pain.



Mark's rectum and anus were burned so badly that he had to undergo an emergency colostomy to divert waste material away from the burned area.