

Another crash case ends with \$3.3 million award

By Hugh Clark

ADVERTISER BIG ISLAND BUREAU

HILO, Hawaii — A Big Island jury has awarded \$3.3 million in damages for a 1998 fatal automobile crash on Saddle Road.

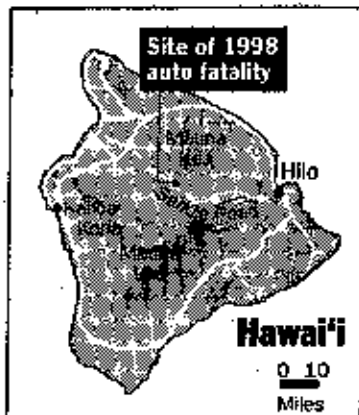
It is the second multimillion-dollar judgment in a traffic-related case on the Big Island in less than two weeks.

On Dec. 14, Judge Riki May Amano awarded Franklyn Castro and his family \$3.3 million for a 1988 one-car wreck that largely was attributed to the state's negligent design and upkeep of the Kea'au-Pāhoa Highway.

In the latest trial, jurors were asked to decide who was responsible for the poor condition of Saddle Road, the twisting, mountainous highway that runs between Mauna Loa and Mauna Kea, linking Hilo and Kona.

Tuesday's verdict did not provide a particularly clear answer to that question, since the state was found 39 percent liable for the March 2, 1998, crash that killed Daison Morita, 33, while the county was found 40 percent liable.

The remaining blame was assessed to Morita, a state fire lieutenant, who was on his way to work at Kona's Keāhole Airport when his Mercury station wagon collided with a Pontiac Sunfire driven by John Gallagher, a painter working at the Gemini observatory near Mauna Kea's



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summit. The crash occurred at the 33-mile marker of the 54-mile highway where a dip in the road obscures drivers' view.

Gallagher suffered chest and kidney injuries but survived.

Because Morita was found 21 percent responsible for the crash, the full \$4.2 million judgment was reduced to \$3.3 million. Of that amount, Gallagher will receive \$923,115, with the remainder going to Morita's family.

The fate of Saddle Road, built during World War II, has been debated since 1968, when the state was supposed to take it over. More recently, U.S. Sen. Daniel Inouye sought more than \$100 million to make permanent repairs to the road.

After Morita's death, the county installed road striping and signs.

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