

DOT ordered to pay \$1M to family of teen

■ BY BILL CRESENZO
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Bumgardner

The North Carolina Department of Transportation will have to pay \$1 million to the family of a teenager who was killed on his way to school while crossing a road where the DOT had refused to install sidewalks or a crosswalk despite decades of warnings about the road's safety, the North Carolina Industrial Commission has ruled.



Roberts

Fourteen-year-old Stephen Canipe Jr. of Gaston County was hit by a car while he was crossing New Hope Road on his way to Cramerton Middle School, less than a half-mile from his home, in October 2014. According to the commission's ruling, Canipe crossed the road because his school had warned students who walked to school to face traffic while traveling if

there were no sidewalks.

Canipe was catastrophically injured, suffering a right open femur fracture, bilateral pelvis and sacrum fractures, facial and jaw fractures, and significant internal injuries to his brain and abdomen, according to the ruling. A paramedic testified that the injuries were the worst she had seen in her 11-year career. Canipe died at the hospital.

Thomas Bumgardner of Charlotte and Scott Roberts of Gastonia represented the Canipe family in the lawsuit, which contended that the DOT knew that the stretch of road was dangerous for pedestrians but refused to remedy the situation.

"The DOT didn't see any merit in the case, and there was no offer prior to trial," Bumgardner said. "They blamed the boy."

During the hearing, the plaintiffs called 16 witnesses, including the mayor of Cramerton, Cathy Young, who testified that

even though the section of New Hope Road isn't in its town limits, the town had offered in 1998 to pitch in money for improvements because the road was so dangerous for pedestrians. The former superintendent of Gaston County Schools, Ed Sadler, testified that in 2002, he had sent a letter to the DOT expressing his concerns about the lack of sidewalks or crosswalks and the safety of the road for walkers, according to the ruling.

The DOT contended that Canipe should have crossed at an intersection near the school, but an officer testified that the intersection was "chaos," and he would never advise someone to cross there.

During the seven-day trial, Stephen Canipe Sr. described his son as "absolutely one hundred percent a vibrant, exuberant young man."

The parents have since moved away from their home.

"They didn't want to relive that every day, living in the same location," Bumgardner said. "They still live with the loss every day. They are grateful the commission listened to their story and delivered justice as best as the law provides."

A spokesman for the North Carolina Department of Justice said the office is reviewing the decision.

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VERDICT REPORT — MOTOR VEHICLE WRECK

Amount: \$1,000,000

Injuries alleged: Death

Case name: Canipe v. North Carolina Department of Transportation

Court: North Carolina Industrial Commission

Case No.: TA-25879

Judge: Allen Baddour

Date of verdict: May 29

Attorneys for plaintiff: Thomas Bumgardner of Charlotte and Scott Roberts of Gastonia

Attorney for defendant: Donna Wojcik of the North Carolina Department of Justice in Raleigh