

€750,000 for man who drove into parked lorry

A MAN who suffered a brain injury when he drove his car into the back of a parked council lorry has settled his claim for damages for €750,000.

Francis Smith's settlement was approved by High Court Judge Mr Justice Kevin Cross.

The judge noted the award represented just 25% of the possible maximum award for such a life-changing injury – reflecting the 25-year-old's share of liability for the accident.

The accident occurred on January 27, 2009, at Cartronreagh, Edgeworthstown, Co. Longford.

Mr Smith, who had been working in a factory at the time, is now physically and cognitively disabled as a result of the accident.

His case was taken against the owner of the lorry, Longford

By Helen Bruce

County Council, which the court heard was carrying out roadworks in the area at the time.

Diarmuid O'Donovan, SC for Mr Smith, said his client had been driving round a left-hand bend when 'he had to take evasive action because the car on the other side was driving erratically, and as a result the lorry presented a danger as it was parked, and he drove into it.'

Mr O'Donovan said the other car driver would deny the allegation of erratic driving, and claim that it was Mr Smith who was driving 'in a careless fashion'.

He said there was also an issue over signage in the area. It was claimed the council was liable for the accident as it failed to give

adequate warning, including traffic lights or signs, of its staff working on the roadway ahead.

It was also claimed there was no warning of the lorry being stationary on the road ahead.

And it was alleged that the surface of the public road was in a defective and unsafe condition.

The council denied the allegations of negligence, and said the vehicle was at all times parked in a safe position, with ample room for a vehicle to pass.

It added the lorry had its hazard lights on, and warning signs on the tailboard, and that Mr Smith was inattentive and drove at an excessive speed. Judge Cross said he would approve the settlement, given the risk that Mr Smith could lose his case entirely if it went to a full hearing.

Dr Mark Dooley



MORAL MATTERS

Why we must never forget the Holocaust

TODAY is Holocaust Memorial Day. It is a day when we are invited to spend a few moments remembering the victims of the most heinous genocide in human history. At no other time, and in no other place, were six million people slaughtered simply because of their faith.

Ponder that: six million people ritually immolated because they were Jewish. Think of the entire population of Ireland and you have some idea of the scale of Hitler's Final Solution. It was nothing less than industrialised murder with the aim of exterminating an entire race of people.

That he very nearly succeeded shows how demonically determined the Nazis were in their evil intent. Even as the Allies were at the gates of Berlin, the gas chambers went into overdrive. It did not matter if the war was lost so long as the Jews were destroyed.

Now, 70 years after the liberation of Auschwitz, the horror of the Holocaust is still so vivid. The emaciated survivors clinging to life by a thread. The ovens and their terrible secrets laid bare for the world to see.

Everything that we try to say about that monstrous crime seems trite. For what can you say when confronted by such cruelty, such barbarism, such savagery? I do not agree with German philosopher Theodor Adorno that 'there can be no poetry after Auschwitz'. For if there are to be words, perhaps only poetry can make sense of the unspeakable.

Still, we must speak and now more than ever. As the years fade, so too does the memory of the Holocaust. For many, it is now but one more dark chapter in the tragic history of humanity.

It is true that barbarism did not cease in 1945. Stalin's Gulags, Chairman Mao's purges, Pol Pot's 'killing fields' and the litany of horrors that constitute the recent history of the Middle East, prove that we are still marked by the 'sin of Cain'. It seems that murder, however grotesque or vast in scale, is an immovable part of our nature.

And yet, in the midst of all that brutality, people continue to shine with the golden light of goodness. They show that, no matter how dark it gets, nothing can ultimately vanquish that light. They show that we are not condemned to cruelty, but can rise above it with love and compassion.

One such person is Holocaust survivor Tomi Reichental, one of only three Holocaust survivors living in Ireland. As it happens, my wife had Tomi speak to her history students last week about why we need to remember the horror he endured.

For her, Tomi is a precious link to a time that will soon have no living testimony.

Students today are exposed to so

much brutality that, sadly, the Holocaust does not often register on their radar. Yet, when my wife shows them footage of the Allies liberating the death camps, they can barely watch those awful scenes without weeping.

Even in our blood-soaked culture, those images still scream out to the conscience of humanity.

Tomi's testimony is the most powerful lesson in morality Irish students are likely to receive. That is because, despite losing nearly all his family to Hitler's murder machine, he is not bitter. He wants us to remember, but with a spirit of forgiveness.

I have written before about how Tomi attempted to reconcile with one of his former SS guards at Bergen Belsen, Hilde Lisiewicz.

Lisiewicz refused to meet him. However, the granddaughter of the Nazi envoy who deported Tomi and his family from Slovakia to Belsen, not only met but also embraced him.

Tomi shows how it is possible to forgive even if you cannot forget. He is a remarkable person who shows why remembering the Holocaust is not only a moral duty, but also something we need to do in order to see the goodness in our world. When we see the depths to which humanity can sink, we can see more vividly the heights to which it can rise.

EACH generation has its own killing fields. Today, we are confronted by the agony of those at the mercy of ISIS, a group that considers mass murder a divine imperative. After Auschwitz they said it could never happen again, but it has so repeatedly.

That is why we simply cannot afford to forget the Holocaust. It stands before us as a testament to our barbarism, to the appalling pain we humans are capable of inflicting on one another. It is only by peering into that abyss that we will see why love and life are stronger than death and destruction.

My wife's students sat listening as Tomi Reichental told his story of courage, endurance and hope. Most of all, it is an inspiring story that shows how good always survives evil.

At the end of his talk, the students simply asked to shake Tomi's hand. They had heard an account of how 35 members of his family had perished in the Holocaust. What struck them most, however, was his gentleness, his capacity to respond to evil with dignity.

On this, Holocaust Memorial Day, we should recall all those who perished so cruelly in that unspeakable crime. In so doing, let us also remember that, even in the midst of such tragedy, the light of humanity could not be extinguished.

From the depths of darkness walked people like Tomi Reichental, people who refused to surrender the only thing they had left: the goodness of a broken but still beautiful heart.

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