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LEGAL CLAIM ON DANDENONGS 'BLACK ICE'

A motorist who survived a night beside the Mount Dandenong Tourist Road at Olinda with a ruptured aorta has begun legal action against Vic Roads.

John Kearns struck a slippery patch – possibly black ice – on October 12 1999. Unable to steer, his car plunged off the road and struck a tree downhill.

Despite severe and life-threatening injuries, Mr Kearns, then aged 34, managed to release his seatbelt and get out of the car – only to roll down the hill.

Over a number of hours, he dragged himself back to the car, climbed into the back seat and covered himself with a tarp.

A local resident found him 14 hours later in his wrecked Commodore and he was taken to Maroondah Hospital before being transferred to the intensive care unit at the Alfred.

Lawyer Dina Tutungi from the Ringwood office of Slater & Gordon says Mr Kearns has now begun legal action in the County Court, claiming that Vic Roads failed to take reasonable care to ensure that the roadway was safe for users.

"Freedom of Information inquiries have revealed that other accidents have also occurred in the same location as Mr Kearns' accident – exactly 500 metres east of Browns Road on the Mount Dandenong Tourist Road," Ms Tutungi said,

"The location of the accident was also the subject of State Government 'Black Spot scoping'."

Mr Kearns' legal claim first has to pass the hurdle of being recognised as a serious injury.

His injuries included a head injury; collapsed lung; crushed vertebrae; severed aorta; broken hip and pelvis; paralysed left vocal cord; extensive scarring to his groin, legs and back; and psychological trauma.