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From the February 02, 2004 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Wrongful Death - Provisional Driver Defendant - Ran Stop Sign - Intersection Wreck - Family Purpose Vehicle - \$950,000 Settlement

Type of Action: Wrongful death

Injuries Alleged: Multiple blunt trauma from motor vehicle collision

ADVERTISEMENT

Name of Case: *Estate of Vaughan v. Fisler*

Court: Superior Court (not filed)

Case No.: Orange County

Tried Before: Mediation

Name of Judge: Pre-suit mediator was Rene Ellis

Special Damages: n/a

Verdict/Settlement: Settlement

Amount: \$950,000

Verdict Date: Dec. 12, 2003

Demand: n/a

Offer: n/a

Experts: Gary Albrecht, Ph.D., Economist

Insurer: Kemper Insurance

Plaintiff's Attorney: Jay Trehy, Raleigh; and David Rogers, Alpharetta GA

Person Submitting: Jay Trehy

Description: On May 4 2002, Caitlin Fislter, a 16-year-old provisional driver, slid past a stop sign in the rain, causing intersection collision with two trucks and killing 59-year-old Jimmy Vaughan. Driver was in a family purpose vehicle. She pled guilty to misdemeanor death by vehicle.

Mr. Vaughan owned and operated his own waterproofing and landscaping business. He is survived by his wife of 41 years and three adult sons.

The Vaughan family opted for a pre-suit mediation and settlement over litigation because Kemper Insurance Company is in a "run off" mode. A victim of 9-11 losses, Kemper is not selling or renewing policies, and it is simply paying claims until it runs out of money.

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