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Verdicts & Settlements

Tractor-Trailer Drives Off Road, Strikes U-Haul, Car

Brief statement of claim: On Thursday, March 30, 2000, Jane Doe and her children, who were citizens of Orange, Va., were traveling to Jacksonville, N.C. on Interstate 95 near Wilson. Jane Doe was driving a U-Haul truck loaded with household belongings. Her children, ages 3 and 2, were passengers in Jane Doe's Ford Tempo, which was driven by her boyfriend.

The load in the U-Haul seemed unsteady, so Jane Doe pulled off to the side of the road. Her boyfriend pulled the Tempo off to the side of the road as well. Despite shining the headlights of the Tempo into the back of the U-Haul, they were unable to tell whether the load was unstable. They decided to drive to the next exit where they could further check the load.

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Jane Doe put on her left turn signal, and was waiting to pull back onto the highway. Christopher Wayne Vance was operating a tractor-trailer on behalf of Tyson Foods, and had just before been seen weaving down Interstate 95. As Jane Doe waited for the tractor-trailer to pass, the tractor-trailer instead drove off the roadway, slamming first into the Tempo, cutting the vehicle in pieces. The U-Haul was struck by both the Tempo and the tractor-trailer, forcing it across all four lanes of I-95 before coming to rest.

As she managed to make her way back across all four lanes of I-95 on foot, Jane Doe then discovered her two children amidst the wreckage. She found her three-year-old daughter partially decapitated and with severe abdominal injuries. She found her two-year-old son in his car seat with massive head injuries. Jane Doe was injured in the wreck, and the Doe's two children died from massive trauma. They were survived by their parents, Jane and John Doe, who were separated at the time of the wreck.

Plaintiffs alleged that the defendant tractor-trailer driver negligently caused the deaths of the Doe children, as well as emotional distress to Jane Doe, in failing to operate the Tyson tractor-trailer in the proper lane of I-95, without keeping a proper lookout when he knew, or should have known, that he was falling asleep and was too tired and sleepy to safely operate the vehicle.

Principal injuries (in order of severity): Death of three-year-old female child and two-year-old male child; negligent infliction of emotional distress to their mother

Special damages: n/a

Tried or settled: Settled after two mediations; first mediation was held pre-suit in Virginia; second mediation was held with Judge Robert Farmer in North Carolina

County where tried or settled: U.S. Eastern District, Western Division

Case name and number: Grandfather Doe, Ancillary Administrator of the Estates of Female Child Doe and Male Child Doe, and Jane Doe, Individually v. Tyson Foods, Inc and Christopher Wayne Vance (U.S. Eastern District, Western Division; 5:02-CV-78-BO(3))

Date concluded: September 2002 following second mediation held August 6, 2002

Name of judge: n/a

Amount: Total settlement: \$3 million; estate of female child: \$750,000; estate of male child: \$750,000; mother's emotional distress: \$1.5 million

Insurance carrier: Zurich

Expert witnesses and areas of expertise: n/a

Attorney for plaintiff: Howard Twiggs, Karen Rabenau and Don Strickland of Twiggs, Beskind, Strickland & Rabenau, P.A., Raleigh; Brad Chandler and Steve Hammond of Chandler, Franklin & O'Brien, Charlottesville, Va.

Other useful info: Defendants alleged that Jane Doe was contributorily negligent in stopping her vehicle on the shoulder of I-95 instead of traveling to the next exit and in stopping the U-Haul in such a position that because of darkness and location it could not be seen clearly by approaching drivers. Defendants also alleged that the negligence of the driver of the Tempo in which the Doe children were passengers constituted insulating negligence.

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