

NORTH CAROLINA
LAWYERS WEEKLY
www.nclawyersweekly.com

Lawyers Weekly, Inc.

[Try 3 Free](#) | [Subscriber Services](#) | [Our Newspapers](#) | [Other Products](#) | [Advertise](#) | [Help](#)



Wealth Management for the Legal Industry
• Experience • Expertise • Focus

[Learn more >>](#)



From the January 01, 1996 North Carolina Lawyers Weekly.

[Order a REPRINT
of this Story](#)

Trial Reports

Negligence

Wrongful Death - Mother Killed When Unhitched Trailer Crosses Center Line - Settlement

Brief Statement of Claim: A 38-year-old mother of two was killed, and her one-year-old daughter injured, when a tandem axle trailer being towed by a Wake County Housing Authority pick-up came loose, crossed the center line and hit the decedent's car head-on. The decedent's estate alleged the defendant failed to utilize safety chains to secure the trailer.

ADVERTISEMENT

Principal Injuries (in order of severity): Driver killed. The child suffered a broken ankle and multiple cuts.

Special Damages: Less than \$10,000 in combined medical and funeral expenses

Tried or settled: Settled

County where tried or settled: Wake

Case Name and number: Estate of Debra Whitehead Burge v. The Housing Authority of the County of Wake (Wake County Superior Court; 93 CvS 02027)

Date Concluded: Jan. 3, 1994

Name of Judge: Approved by Judge Robert L. Farmer

Amount: \$985,000 total: \$975,000 to the estate and \$10,000 to the minor child

Insurance Carrier: North Carolina Housing Authorities Risk Retention Pool

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiff: Howard F. Twiggs and Robert O. Jenkins of Blanchard, Twiggs, Abrams and Strickland, Raleigh; Samuel H. Johnson of Johnson, Mercer, Hearn & Vinegar, Raleigh

Other Useful Info: The plaintiff's counsel submitted a 50-minute video settlement brochure addressing both liability and damages. This brochure utilized, among other things, taped statements from witnesses, statements from the decedent's husband and friends, and expert witnesses. It also included videotaped footage taken at the accident scene by the N.C. Highway Patrol and photos and home movies of the decedent and her family. The defendant's insurance coverage limits were \$1 million and the defendant pleaded governmental immunity as a bar to any recovery in excess of those limits. The plaintiff alleged punitive damages and argued that the N.C. Supreme Court's decision in Jackson v. Housing Authority of the City of High Point permits a decedent's estate to recover punitive damages exceeding the governmental entity's applicable insurance limits. Additionally, the plaintiff's counsel presented the case to a focus group with that group returning damages far in excess of \$1 million. Those results were communicated to the defendant during settlement negotiations.

© Copyright 1996 Lawyers Weekly Inc., All Rights Reserved.

Order a REPRINT of this Story	
--	--

[User Agreement For Subscriber-Only Online Benefits](#) | [Help](#) | [Our Privacy Policy](#)
Send any questions or comments to comments@lawyersweekly.com

Subscriber Services: 1-800-451-9998 **Technical Support:** 1-800-451-9998

© Copyright 2008 Lawyers Weekly, Inc. All Rights Reserved



Lawyers Weekly does not use spyware; however, we link to a number of other sites and do not take responsibility for any spyware they may use.

This site is best viewed with Internet Explorer 6 ([click here to download](#))