



NORTH CAROLINA
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Trial Reports

Negligence

Auto - Wrongful Death - Drunk Driver - Punitive Damages Awarded - UIM Recovery

Type of claim: The estate of a 54-year-old woman killed in a head-on collision sued for her wrongful death. Her 55-year-old husband sued for injuries he sustained in the wreck.

Principal injuries (in order of severity): Death of wife. Husband suffered a fracture to his non-dominant arm and various lacerations and contusions.

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Special damages: Husband was a grocery store manager. Wife was on social security disability for arthritis. She had just embarked on a real estate career several months prior to her death but had earned only meager commissions.

Tried or settled: Tried

County where tried or settled:

Fayetteville

Case name and number: Case name undisclosed. Suit tried in Superior Court, Fayetteville.

Date concluded: May 1993

Name of judge: n/a

Amount: \$421,000 - \$391,000 actual and \$30,000 punitive damages

Insurance carrier: n/a

Expert witnesses and areas of expertise: n/a

Attorney for plaintiff: Charles F. Blanchard of Raleigh and Karen M. Rabenau of Raleigh

Other useful information: The couple's car was struck by an oncoming vehicle that crossed the center line. The defendant was driving on a revoked license, had a blood alcohol level of .198 and was racing another car at the time of the wreck. He was given a 10-year prison sentence for involuntary manslaughter. The defense contended punitives were inappropriate because he had already been punished.

Plaintiff successfully presented a motion in limine to preclude evidence of the husband's recent remarriage. Prior to filing suit, the primary liability carrier tendered its \$100,000 policy limits. Prior to verdict, the highest verdict by the underinsured motorist carrier was \$50,000.

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