

# NORTH CAROLINA LAWYERS WEEKLY

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Sunday, June 6, 2010

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From the January 11, 2010 North Carolina Lawyers Weekly.

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## Verdicts & Settlements

### Plaintiff crushed in tractor-trailer collision

This case, which was pending in a rural, western part of the state, settled for \$10 million just before the trial was scheduled to start.

The plaintiff, a 34-year-old male, had two jobs, the second of which was making deliveries in a "box" truck.

While on an interstate, he slowed for a tractor-trailer rig entering from the shoulder ahead to his right. Another tractor-trailer rig was following the plaintiff too closely and was looking to his left at a passing truck.

When the plaintiff braked for the truck pulling in ahead, the truck behind hit him, the plaintiff alleged. The impact from that crash pushed the plaintiff's truck into the rear of the truck pulling out ahead.

In the crash, the lower portion of the plaintiff's torso received crush injuries. The plaintiff's left heel, knee, tibia, fibula and hip were broken, and his right knee was dislocated. He had no abdominal or other internal injuries, or head injuries.

Despite repeated surgeries on his left leg, it had to be amputated above the knee. His hip has healed but has ossifications that will require one or more hip replacements over his lifetime.

His right knee required multiple surgeries, including removal of his patella. That injury is stable but he will require one or more knee replacements over his lifetime.

In addition to claims for motor vehicle negligence seeking compensatory damages against both the trucks ahead and behind, the plaintiffs also brought claims against the employer of the truck driver behind for negligent retention, training and supervision.

The driver had been involved only in property damage accidents before but had demonstrated an unwillingness to accept personal responsibility for those accidents.

In the claims against the employer, punitive damages were sought.

**Type of action:** Motor-vehicle negligence

**Injuries alleged:** Crush injuries to the torso; broken left heel, knee, tibia, fibula and hip; dislocated right knee; removal of right patella; left leg amputated above the knee; the plaintiff will require one or more knee and hip replacements over his lifetime

**Case name:** Confidential

**Case number:** Confidential

**Court:** Confidential

**Verdict or settlement:** Settlement (pre-trial)

**Date:** Oct. 1, 2009

**Amount:** \$10 million

**Insurer:** Confidential

**Experts:** James Kellum, M.D., trauma orthopaedics; Michael Sutton, P.E., accident reconstruction; Cynthia Wilhelm, Ph.D., life care; J. Finley Lee, Ph.D., and J.C. Poindexter, Jr., Ph.D., economists; Kenneth A. Thompson, CFS, and Walter A. Guntharp Jr., trucking; Patrick O'Brien, M.D., psychiatry:

**Plaintiff's attorneys:** David S. Rudolf (co-lead counsel) of Rudolf, Widenhouse & Fialko (Charlotte) and Donald H. Beskind (co-lead counsel), Karen M. Rabenau and Jesse H. Rigsby IV of Twiggs, Beskind, Strickland & Rabenau (Raleigh)

**Editor's note:** The information in Lawyers Weekly's verdicts and settlements reports was submitted by the counsel for the prevailing party and represents the attorney's characterization of the case.

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