

Trucking crash leads to \$23M global settlement

By Heath Hamacher

A motor vehicle crash that took the life of one high school student and injured two others has resulted in a settlement of more than \$23 million, the plaintiffs' attorneys report.

Douglas Jennings, Perry Buckner, and John Dodds IV of Yarborough Applegate in Charleston and Douglas Jennings Jr. and Mason King of Douglas Jennings Law Firm in Bennettsville report that the three teens were



Douglas Jennings Jr.



Douglas E. Jennings

on their way to their Pee Dee area high school in the fall of 2019 when a tractor-trailer turned left in front of them, causing a "horrific" collision that saw the plaintiffs' vehicle lodged under the trailer and the teens entrapped. The driver and the rear-seat passenger suffered major orthopedic injuries and mild traumatic brain injuries, the attorneys said. The front-seat passenger survived for two days before she was taken off life support.

The attorneys said that years of hard-fought litigation against the trucking company and its driver resulted in the multi-million-dollar settlement on the eve of the discovery deadline.

"These families have suffered tremendously because of this accident," Jennings wrote in a statement. "While money can in no way make up for the loss of a child, we are pleased with the result and happy it provides some semblance of closure to them."

Many details of the case, including the names of the parties and defense counsel, have been withheld

pursuant to a confidentiality agreement, but the attorneys said that the defendant trucking company is a sophisticated, international outfit with more than 800 trucks operating nationwide.

The at-fault driver, who was previously on probation with the company and was fired after the crash, was in violation of the Federal Motor Carrier Safety Administration regulations regarding the number of hours he'd worked leading up to the crash, the attorneys said, adding that he had a lengthy violation history. The attorneys said that the defendant declined to speak with investigators on the scene, retained defense counsel, and chose to remain silent during the civil case, including his deposition.

"There were many aggravating factors that drove the value of this case, but the driver's assertion of his 5th Amendment right to remain silent obviously presented a big risk to the motor carrier in this case," Jennings wrote in an email to Lawyers Weekly.

The attorneys said that the trucking company dispatched an out-of-state "rapid response" expert to the scene minutes after the crash to begin mounting a defense.

"We felt that the jury was going to be shocked to learn that the trucking company had an out-of-state expert on the scene in this rural area not long after the helicopter landed at the hospital with our 15-year-old client who was on life support," Jennings wrote. "The fact that they had someone at the scene so quickly and then were unable to produce basic documents, claiming they were 'automatically deleted' in their system was a fact we were looking forward to telling the jury."

The alleged irretrievable documents included hours of service logs and other time-stamped documents,

but the plaintiffs gained momentum, the attorneys said, when a judge granted them access to the trucking company's fleet management software systems.

"Understanding and pursuing the data collected from a motor carrier's telematics system is absolutely critical in any case involving a sophisticated tractor trailer," Jennings wrote.

Defense counsel argued that the plaintiff driver caused the crash by speeding, opining that they were traveling approximately 80 mph in 60 mph zone. Plaintiffs contended that they were traveling approximately 70 mph and that the vehicle had trouble stopping due to excessive crack sealant on the roadway.

The attorneys said that damages were heavily disputed and that the decedent, a student-athlete well-regarded in the community, endured approximately 10 minutes of conscious pain and suffering before her brain activity fell below a certain level.

SETTLEMENT REPORT — MOTOR VEHICLE CRASH/ NEGLIGENCE

Amount: \$23,050,000

Injuries alleged: Death, severe orthopedic injuries, traumatic brain injury

Case name: Withheld

Court: Withheld

Mediator: Karl Folkens of Florence

Insurance carriers: Withheld

Date of settlement: March 21

Attorneys for plaintiff: Douglas Jennings, Perry Buckner, and John Dodds IV of Yarborough Applegate in Charleston (for the two passengers) and Douglas Jennings Jr. and Mason King of Douglas Jennings Law Firm in Bennettsville (for the driver)

Attorney(s) for defendant: Withheld