

Woman who broke ankle in crash settles suit for \$1.75M

■ BY BILL CRESENZO

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Douglas Jennings

A woman whose car slammed into a logging truck that was improperly parked on the side of a road has settled a lawsuit against the at-fault driver and his employer for \$1.75 million, her attorneys report.

Douglas Jennings and Liam Duffy of Yarborough Applegate in Charleston report that their client, Darlene Fulton, was driving to work in Florence one morning in October 2017. As she approached U.S. 52, the sun blinded her. At the same time, Henry Pryor, the driver of a tractor-trailer owned by Southern Wood Products, had parked his rig on the shoulder with its trailer sticking out about six feet into the road.



Liam Duffy

Fulton's car hit the trailer. She suffered a fracture to her right ankle that required surgery and an external fixator, a metal frame that is attached to screws to hold bones in place. She presented evidence that the truck had been parked on the shoulder for 10 minutes and Pryor hadn't placed reflective triangles or flares around his truck as the law requires, Jennings said.

"The danger of a stopped tractor trailer protruding into the roadway is a very well-known hazard, and this case highlights the safety precautions that truck drivers must take," Jennings said.

Pryor said that he had stopped because his co-worker, who was driving a head of him, had pulled over because his truck was having brake problems, and the drivers testified that they decided to quickly diagnose and fix the brake problems and waved their arms when they saw Fulton approaching, Jennings said.

Jennings said that Fulton is now back at work as a nurse and doing better, but still has some lingering limitations and pain from the injuries.

Patrick McDonald of Resnick & Lewis in Charleston represented the defense. He could not be reached for

SETTLEMENT REPORT — MOTOR VEHICLE WRECK

Amount: \$1.75 million

Injuries alleged: Orthopedic injuries including fractured ankle

Case name: Darlene Fulton v. Southern Wood Products Inc. and Henry Pryor

Court: Williamsburg County Circuit Court

Case No.: 2018-CP-45-00170

Date of settlement: March 2020

Mediator: Bill Lyles of Charleston

Attorneys for plaintiff: Douglas Jennings and Liam Duffy of Yarborough Applegate in Charleston and Ronnie Sabb of Sabb Law Group of Kingstree

Attorney for defendants: Patrick McDonald of Resnick & Lewis in Charleston

comment, but Jennings said that the defense contended that Fulton should have seen and avoided the trailer, that it was her fault for not blocking the sun glare, and that she was late for work and in a hurry.

Ronnie Sabb of Charleston also represented Fulton. "We had a deserving plaintiff in this case who is well-respected in our community which I am grateful the defense appreciated as we worked toward a resolution just prior to trial," Sabb said.

Bill Lyles of Charleston mediated the settlement, which was agreed to in March.

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