

Deadly farm equipment crash results in \$1M settlement

By PHILLIP BANTZ, staff writer
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A woman who witnessed her husband's grisly death in a traffic crash involving a huge piece of farm equipment has settled her wrongful death and survival lawsuit for \$1 million.

Annie Ham, 65, was riding in a car with her husband, Willie Ham, 62, in January 2009 when their car collided with a combine harvester being hauled on the back of a flatbed truck in the opposite lane of Highway 403 in Florence County.

The impact sheared off the driver's side of the Hams' car and Willie Ham was ejected. He died at the crash site. Annie Ham later sued the truck owner, Sparrow & Kennedy Tractor Company, the company's driver, Johnny Smith, and the owner of the combine, William Kelly, who was driving in front of the truck and serving as an escort during the incident.

Ham's attorneys, John D. Clark of the Clark Law Firm in Sumter and David B. Yarborough Jr. of the Yarborough



John D. Clark



David B. Yarborough Jr.

Applegate Law Firm in Mount Pleasant, said the side of the combine and its wide tank-like treads dangerously extended over the center line of the road into the Hams' lane of travel.

They also accused the defendants of an array of other safety violations, such as failing to have a trained or qualified wide-load escort, failing to properly flag the load, not having two-way radio communication with the escort, and driving too fast for conditions.

The defendants claimed that Willie Ham was comparatively negligent as he could have avoided the crash by slowing down and steering away from the clearly visible oversized load. They also cited his myriad health issues, which included being legally blind in one eye and a foot amputation due to diabetes, according to Clark and Yarborough.

"Whatever our client's health problems



Annie Ham survived the collision that killed her husband when a combine harvester being hauled on a flatbed truck sheared off the side of their car. Submitted photo

Verdicts & Settlements Report

Tried in: Lee County Court of Common Pleas

Judge: Ralph F. Cothran Jr.

Case Name: *Annie R. Ham, for estate of Willie Ham v. Sparrow & Kennedy Tractor Co., Johnny W. Smith and William G. Kelley*

Case No.: Lee County, 2010-CP-31-134

Verdict or settlement: Settled after jury was seated

Recovery amount: \$1 million

Attorneys for plaintiff: John D. Clark and Sharon Clark (Sumter); David B. Yarborough, William E. Applegate IV and Douglas E. Jennings (Charleston)

Attorney for defendants: Thomas Salane and George Hanna (Columbia)

were, the bottom line is that he was in his lane," Clark said, adding that Willie Ham had a valid, doctor-certified driver's

license.

The defendants offered to settle the matter pre-suit for \$350,000, offered

\$650,000 a week before the jury trial and upped the offer to \$850,000 on the first morning of trial in late April. On the second day, just before opening statements, they agreed to settle for \$1 million.

"I think once we got to trial, they realized they were going to have to pay to get out of it," said Yarborough, who was brought onto the case shortly before trial. "They were testing us and I think once they saw the jury and that they were going to have to answer to their community for taking the life of an innocent man, they decided they'd rather resolve the matter than go forward."

Thomas C. Salane of Turner, Padgett, Graham & Laney in Columbia defended the truck owner and its driver. He declined comment. The combine owner's attorney, George V. Hanna IV of Howser, Newman & Besley, also in Columbia, did not respond to an interview request.

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