

SOUTH CAROLINA LAWYERS WEEKLY

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Trucker's questionable log book was at center of \$800K settlement

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Three people who were injured in a collision with a semitrailer in Horry County have agreed to drop a lawsuit against the trucker and a trucking company in exchange for a \$800,000 settlement, according to their attorneys.

Dixie Ray, a nurse, was returning to her home with her daughter and son-in-law in June 2015, when a tractor-trailer pulled out in front of their pickup at an intersection on a rural road and a T-bone crash ensued, said an attorney for the trio, Douglas Jennings of the Yarborough Applegate Law Firm in Charleston.

The trucker, William Brown, who was driving for Carolina Prestress Corp., accepted fault in his deposition, said Jennings, who worked on the case with law partner David Yarborough and M. Travis Hyman of the Hyman Law Group in Conway.

They argued that Brown had exceeded his maximum safe driving hours allowed under the Federal Motor Carrier Safety Regulations before the crash.

Litigation dragged on for a year and a half due to "numerous inconsistencies" between Brown's handwritten driver logs and his GPS logs and time-stamped payroll cards, Jennings said. He wrote in a settlement report that it was "especially concerning

... that a time-stamped payroll card had been thoroughly scratched out and changed by a handwritten edit which put the driver within 1 minute of compliance for the night before the collision."

"We do a lot of trucking work," Jennings said in an interview, "but this is the first time I've seen it where the time card was scratched out."

According to Jennings, a former employee of Carolina Prestress testified that she'd amended the time card but couldn't remember why. An attorney for Brown and Carolina Prestress, David Rheney of Gallivan, White & Boyd in Greenville, did not respond to an interview request.

After the crash, Ray was hospitalized with facial fractures and a broken left foot, which required surgery and has left her with chronic pain, Jennings said. Her passengers sustained relatively minor injuries, but they also were taken to the hospital and consequently had significant medical bills.

Medical costs for all three plaintiffs totaled about \$158,000, and the plaintiffs' experts estimated that Ray's future medical costs would range from \$13,000 to \$76,000, according to Jennings.

He said mediation resulted in an impasse, but the mediator, John Tiller of Haynsworth Sinkler Boyd in Charleston, stayed involved in the case and eventually helped both sides negotiate a resolution.

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SETTLEMENT REPORT

PERSONAL INJURY

Amount: \$800,000

Injuries alleged: Facial and foot fractures, contusions

Case name: *Ray v. William Brown and Carolina Prestress Corp*

Court: Horry County Circuit Court

Case number: 2016-CP-26-366

Mediator: John Tiller of Haynsworth Sinkler Boyd in Charleston

Date of settlement: Finalized Aug. 4

Attorneys for plaintiffs: Douglas Jennings and David Yarborough of the Yarborough Applegate Law Firm in Charleston and M. Travis Hyman of the Hyman Law Group in Conway

Attorney for defendants: David Rheney of Gallivan, White & Boyd in Greenville