



Woman settles car crash lawsuit for \$4M

By: Bill Cresenzo ◉ November 19, 2018

A woman who was severely injured in a car crash and spent five months in the hospital has settled the case for \$4 million, according to her attorney.

On Sept. 27, 2016, the woman was driving through York County on Highway 21 when the driver of a Rock Hill Piping and Fabrication industrial truck attempted to drive across all four lanes of the highway, failing to yield the right-of-way, said David Lail, an attorney with Yarborough Applegate in Charleston.

He drove directly into the woman's path, causing a "high-speed collision," Lail said.

The woman was hospitalized for five months and suffered several injuries, including rib fractures, laceration of the liver, left arm fracture with shoulder dislocation and a left hip fracture.

"Within the first few minutes of deposition questioning early in the litigation, the driver admitted fault for causing the crash after he initially hesitated and tried to shift the blame to my client," Lail said.

Attorneys for the excess insurance carrier hired a team from Weinberg, Wheeler, Hudgins, Gunn and Dial in Miami and Atlanta, who focused on the woman's pre-existing medical conditions, he said.

The defense pointed out that the woman had Post-Polio Syndrome; had fallen more than 30 times in the four years leading up to the crash; had more than 250 visits to a chiropractor in that same time period; had undergone two prior back surgeries and a neck surgery, and that she was already disabled before the wreck, Lail said.

An expert doctor for the defense said that the woman required future medical care because of the crash, but that she would have needed the care anyway, because of her pre-existing conditions, Lail said.

An attorney for the defense did not return a request for comment.

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SETTLEMENT – AUTOMOBILE ACCIDENT

Amount: \$4 million

Injuries Alleged: Rib fractures, laceration of the liver, left arm fracture with shoulder dislocation, and left hip fracture

Case name: *Laura Ruth Ash v. Rock Hill Industrial Piping & Fabrication Inc. and David Lane Webb*

Court: York County Circuit Court

Case number: 2017-CP-46-00014

Mediator: Earl Ellis in Columbia

Date of Settlement: Aug. 24

Plaintiff attorneys: William Applegate and David Lail of Yarborough Applegate in Charleston

Defense attorneys: Daniel R. Settana, Jr., Skip Hardin, and Kyle D. McGann of The McKay Firm in Columbia. Lawrence Burkhalter and Alec Heydemann of Weinberg, Wheeler, Hudgins Gunn and Dial in Miami; Kevin Williams

of Weinberg, Wheeler, Hudgins Gunn and Dial in Atlanta

Insurance Carriers: Berkley Southeast Insurance Group for the primary insurance coverage provider and Navigators Insurance Company for the excess insurance coverage provider

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