

# SOUTH CAROLINA LAWYERS WEEKLY

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## Tractor-trailer's U-turn leads to \$1.79M settlement

■ BY BILL CRESENZO

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Turning around in the middle of a highway isn't just dangerous, it can also be costly: a driver who rear-ended a tractor-trailer that was making a U-turn on a highway has settled a lawsuit against the at-fault driver for \$1.79 million, his attorneys report.

David Lail of Yarborough Applegate in Charleston reports that his client was driving behind a tractor-trailer when it started to make a U-turn on the four-lane highway. The client slammed into the rear of the rig and suffered bilateral femur fractures and a fracture to his arm from the crash.

The names of the parties as well as the location of the accident were withheld pursuant to a confidentiality agreement.

"The tractor-trailer driver making a U-turn on a 60 mph highway made for a bad situation," Lail said. "But when the trucking company completely endorsed the driver's actions, things got a lot worse."

The defendants denied responsibility for the crash and argued that it was entirely the plaintiff's fault for rear-ending the tractor-trailer, Lail said. They said



David Lail



William Applegate



Chris Bryant



Dwight Moore

the tractor-trailer driver was not making a U-turn, but instead was performing a "turnaround," a safe and legal maneuver.

"The defendants also argued that U-turns were safe for tractor trailers to perform, and they had no safety policy prohibiting such a maneuver, despite a completely contrary position taken by the tractor-trailer industry and their own industry expert," Lail said.

Law enforcement ticketed the plaintiff, and the defense had contended he was distracted and talking on a cell phone when the crash happened. The defense had also argued that

the tractor trailer was easy to see because it was a clear and sun-

### SETTLEMENT REPORT – AUTOMOBILE ACCIDENT

**Amount:** \$1.79 million

**Injuries alleged:** Bilateral femur fractures, arm fracture

**Case name:** Withheld

**Court:** Withheld

**Date of settlement:** Dec. 9, 2018

**Attorneys for plaintiff:**

David Lail, William Applegate, and Chris Bryant of Yarborough Applegate in Charleston and Dwight Moore of Sumter

**Attorneys for defendant:**

Withheld

ny day and the road was flat and straight, and another driver closer to the tractor-trailer was able to avoid it, Lail said. The two sides ultimately reached a settlement on Dec. 9.

William Applegate and Chris Bryant of Yarborough Applegate and Dwight Moore of Sumter also represented the plaintiff.

Follow Bill Cresenzo on Twitter @bcresenzosclw