

SOUTH CAROLINA Lawyers Weekly

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JANUARY 25, 2023

VERDICTS & SETTLEMENTS

Plaintiff hit by box truck while driver was texting settles for \$6.25 M

■ Haviland Stewart

IN THE SPRING OF 2021, while traveling on a rural highway in South Carolina the plaintiff's vehicle was struck by a 20-year-old commercial truck driver who was travelling 10 mph over the speed limit and disregarded a stop sign while texting.



Douglas E. Jennings



John Dodds IV

The truck collided with the plaintiff's vehicle at approximately 55 miles per hour, causing catastrophic injuries to plaintiff who was airlifted from the scene.

According to plaintiff attorney, John Dodds IV, the collision was caught on a dash cam video by a logging truck traveling in the opposite direction. The truck driver never applied his brakes and was visibly distracted by what was discovered to be a lengthy back and forth text conversation on his cell phone.

The driver and employer denied all liability. The driver's report to law enforcement attempted to avoid responsibility by claiming the

brakes on the truck were defective. According to Dodds, the driver's report was inconsistent with the telematics data from the truck and his cell phone.

With the assistance of a cell phone forensic expert, the plaintiff's counsel conducted a download of the driver's phone, limited to the time-frame surrounding the collision. The cell phone data confirmed that the driver was texting prior to and at the time of the collision, which was confirmed by the GPS tracking system and electronic control module data from the truck.

"The facts of this case told a story that would have triggered every juror's worst fear, a young driver speeding, texting, and behind the wheel of a 20,000-pound box truck," plaintiff attorney Douglas E. Jennings said. "This combination of speed and inattentiveness not only resulted in life-altering injuries to my client, but also presented serious risk to the defendants and their insurers."

After initially denying it on multiple occasions, the driver later admitted during his videotaped deposition that he was texting and driving after being shown the cell phone report and other corroborating documents.

There were several depositions and the case settled in Nov. 2022 for a total of \$6.25 million.

Many details of this case were withheld due to a confidentiality agreement.

Verdict or Settlement? Settlement

Total award: \$6,250,000.00

\$6,000,000.00 settlement with Defendants (limits of \$1,000,000 liability policy and \$5,000,000.00 excess policy)

\$250,000.00 settlement with UIM carrier (limits of stacked bodily injury and property damage UIM coverage)

Settlement date: November 2022

Defense attorneys: Withheld

Plaintiff attorneys: Douglas E. Jennings and John Dodds IV of Yarborough Applegate, LLC in Charleston, South Carolina, and Gerald E. Harmon, Jr. and James R. Felts, IV of Harmon & Felts, P.A. in Georgetown, South Carolina

Plaintiff's Experts: Al Duncan of Southeastern Traffic Accident Reconstruction in Greenwood, South Carolina (accident reconstructionist), Jen Masse of Masse Medical in Summerville, South Carolina (life care planner), Christopher J. Watkins of Certified Computer Forensics in Columbia, South Carolina (cell phone expert) and Billy Weaver of Safety & Compliance Consultants in Kemah, Texas (trucking safety and compliance expert)