

## Defense Verdict in Motor Vehicle Accident Case

fax:

Thomas A. Williams with Mary C. DeCamp in Chattanooga, Tennessee secured a defense verdict in a motor vehicle accident case. They represented the owner and driver of a tractor trailer, both of whom were alleged to have negligently caused a motor vehicle accident. At the time of the accident, the driver of the tractor trailer was in the process of making a wide right turn when another defendant driving a pickup truck attempted to pass him on his right, lost control of the pickup truck, and crashed into the plaintiff's vehicle. The plaintiff had been properly stopped at a red light. The tractor trailer was not physically involved in the collision.

The plaintiff suffered significant physical injury as a result of the accident and lost her spleen, among other injuries seeking an ad damnum of \$500,000.00. The plaintiff alleged \$55,000.00 in medical damages as well as pain and suffering, loss of enjoyment of life, loss of earnings over \$7000, earning capacity, and property damage.

At trial, the plaintiff alleged that the driver of the tractor trailer was negligent in making his right turn and that the owner of the tractor trailer was liable under the doctrines of respondeat superior and negligent entrustment. The other defendant driver alleged that the wide right turn that the driver of the tractor trailer was attempting to make was improper and was the sole cause of the accident.

The plaintiff introduced testimony, over defense objection, and under the negligent entrustment theory that the tractor trailer operator had 7 speeding tickets in a 10 year period and thus argued that the employer was negligent in continuing to employ the driver. This was rebutted by testimony that the driver's CDL had never been suspended and that the driver was not incompetent as alleged.

In addition, the focus of the defense argument was to illustrate, through party testimony and reference to various statutes, that the driver of the pickup truck was speeding and attempted to improperly pass the driver of the tractor trailer on the right and that the wide right turn that the driver of the tractor trailer was making was proper.

The jury deliberated for two hours before returning with a verdict assigning no fault to the driver and owner of the tractor trailer and 100% of the fault to the defendant driver of the pickup truck with a judgment against that driver of \$150,000.00.