

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

May, 2005

Statewide Jury Verdict Coverage

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Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Tennessee including court, division, presiding judge, parties, case number, attorneys and results.

Truck Negligence - A serious crash with two tractor-trailers sent plaintiff's pickup truck up in flames - three brothers from Texas inside the car were pulled out and rescued

Knight et al v. J.B. Hunt

Transportation, 02-398

Plaintiff: Jeffrey P. Boyd, Hill & Boren, Jackson

Defense: C. Mark Donahoe, Hardee

Martin Dauster & Donahoe, Jackson

Verdict: \$1,510,000 for plaintiffs

assessed 25% to defendant

County: **Madison**

Judge: Roger Page
3-2-05

There was a serious car crash on 8-7-02. It occurred on I-40 near mile marker 84. At that location traffic had been reduced to one lane because of a bridge repair. That construction backed up traffic for two miles. Coming to a stop in a pick-up was Michael Dudley - he was pulling a U-Haul trailer. Dudley was traveling through Tennessee with his brothers, Brian and Chad. All three live in Brazoria County, TX.

At the same time, Sean Hansen was driving a tractor-trailer for J.B. Hunt. Hansen followed too closely at nearly 50 mph, and he sideswiped the Dudley vehicle as he veered to the right. Out of the frying pan and literally into the fire, they were rear-ended again, this time by Patrick Sturm, also in a tractor-trailer and employed by Flanary and Sons Trucking.

That second collision knocked the Dudley pickup into a truck in front of it -- it was then propelled into a flatbed trailer. A second impact followed, Sturm hitting the Dudleys again. Their vehicle exploded in flames. All three were rescued from the fire. However, each sustained injuries.

Chad was left with a broken foot. Brian suffered a broken jaw and cheek -

- he was seated in the rear seat of the cab and sustained these injuries when a toolbox dislodged and struck him. He also sustained a broken pelvis, among other injuries. Michael suffered a broken arm and elbow.

In this lawsuit, the three brothers moved against both truck drivers. Hansen was blamed for setting the events in motion, his initial collision setting the stage for the second Sturm impact. Had Hansen kept his truck under control, Sturm would never have struck the plaintiffs. Sturm was also implicated for following Hansen too closely and being unable to stop. The case against Sturm and his employer was resolved before trial -- however, the duties of this non-party remained in issue at trial. [Plaintiff's accident expert was Jerry Elston, Jackson.]

That formed the basis of the defense by Hansen and J.B. Hunt. He explained that when he realized the Dudley pick-up had stopped and that he himself could not, he took evasive action and veered to the right. This initial impact was described as very slight, barely damaging the pick-up and U-Haul trailer. Thus it was Hansen's argument that he did everything he was supposed to do to avoid a terrible crash.

The real fault, it was argued, rested with Sturm who followed too closely. An accident reconstructionist for the defense was Steve Jackson, Hot Springs, AR. [Plaintiff countered at trial and cited that until Hansen veered to the right, Sturm's view of the Dudley pickup was obstructed.] Fault aside, J.B. Hunt made an alternative argument -- even if Hansen was to blame, the first wreck didn't cause the injuries, it being Sturm's secondary collision that led to plaintiffs' fractures.

The jury's verdict found both Hansen