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VS VERDICTS & SETTLEMENTS

Rear-Ended Motorist Recovers \$3.375 Million On Claims Of Trucker Negligence, Fatigue



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Negligence/Auto

Motorist Stopped In Traffic On I-26 Near Asheville — Claimed Tractor Trailer Rear-Ended Him — Multiple Fractures — Driver Fatigue Alleged — \$3.375 Million Settlement —

Type of action: The plaintiff sued after he was severely injured in a crash with a tractor trailer.

Injuries alleged: The plaintiff suffered multiple significant traumatic injuries, including a left femur fracture, left tibia fracture, left ankle fracture, left elbow fracture, multiple rib fractures, right scapular fracture, perforated bowel, abdominal compartment syndrome, peritonitis, right C-7 lateral mass fracture, closed head injury and multiple abrasions and contusions.

Name of case: *Hawkins v. Haas Carriage, Inc. et al*

Court/county: U.S. Western District (Asheville)

Case no.: 1:04CV77

Tried before: n/a

Name of judge: n/a

Special damages: Past medicals — approximately \$383,000; past lost wages — approximately \$53,000

Verdict/ settlement: Settlement

Amount: \$3,375,000

Date obtained: May 27, 2005

Demand: n/a

Offer: n/a

Experts: n/a

Insurer: Liberty Mutual Ins.; ACE USA/Westchester Fire Ins. Co.

Plaintiff's attorneys: Jeffrey A. Burns and Tim E. Dollar, Kansas City MO; and Wyatt Stevens, Asheville

Person submitting: Jeffrey A. Burns

Description: According to the plaintiff's pleadings: On June 16, 2003, Michael Hawkins was stopped in traffic in the eastbound lanes of Interstate Highway 26, near the Airport Road exit outside of Asheville. A driver for Haas Carriage, Inc., an Indiana trucking company, collided with the rear-end of Hawkins' 1998 Mitsubishi Montero. The force of the collision propelled the Hawkins' vehicle forward, causing it to collide with other vehicles, crushing Hawkins inside his vehicle.

The plaintiff alleged that the truck driver's fatigue was a key factor in the crash, citing company documents, driver logs, cell phone records and ECM data. The defendants contended that driver fatigue had nothing to do with the crash.

