

# NORTH CAROLINA LAWYERS WEEKLY

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## Tractor trailer wreck leads to \$1.85M settlement

By: David Donovan

A North Carolina woman has reached a \$1.85 million confidential settlement with a trucking company after claiming it negligently put behind the wheel a driver who injured her, according to the woman's attorneys.

William Owens and Kimberly Miller of Owens & Miller in Raleigh reported that their client was driving down an interstate in the Triangle region when the client's car was rear-ended by a tractor trailer. The client sustained traumatic brain injury (an injury more severe than a concussion) which caused cognitive impairments including short-term memory loss, although her condition has since improved. She also suffered PTSD, a spine fracture, fractured ribs, neck injuries, and a torn rotator cuff that required surgery.

Owens said that discovery uncovered that the driver of the tractor trailer had been fired from his two previous trucking jobs, once for a failed drug test, and that his commercial driver's license had previously been suspended. The driver had worked in trucking for two years prior to joining the defendant compa-



**William Owens**

ny, and had been working there only two months at the time of the wreck. The plaintiff argued that the company had not properly vetted the work history of the driver, who also suffered from untreated sleep apnea, before hiring him.

"The whole case was viewed through the lens that this guy never should have been on the road in the first place," Owens said. "We caught wind of it through one part hard work and one part being in the right place at the right time."

The two sides reached a settlement Feb. 2 at mediation led by Bob Beason of Beason & Ellis in Chapel Hill. The names of the

parties and the attorneys for the defendants were withheld.

"Although it's not the same as a large verdict at trial, hopefully this sends a message to this trucking company and others like them that there are repercussions for putting unsafe drivers on the road," Owens said.

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### SETTLEMENT REPORT – MOTOR VEHICLE COLLISION

Amount: \$1.85 million

Injuries alleged: Traumatic brain injury, spine fracture, fractured ribs, torn rotator cuff, severe soft tissue injury to neck, and post-traumatic stress disorder

Case name: Withheld

Court: U.S. District Court for the Middle District of North Carolina

Mediator: Bob Beason of Beason & Ellis in Chapel Hill

Date of settlement: Feb. 2

Attorneys for plaintiff: William Owens and Kimberly Miller of Owens & Miller in Raleigh

Attorneys for defendant: Withheld