

# \$10M award to trucker's son tops 1995 Trial Reports

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According to Trial Reports submitted to *Virginia Lawyers Weekly*, Virginia's highest verdict in 1995 came when a Richmond jury awarded \$10 million to a young boy seriously injured while accompanying his trucker father on an interstate haul.

Details of 1995's top 10 Trial Reports follow. As always, no written opinion is available from *Virginia Lawyers Weekly* unless otherwise indicated. For additional information about these cases, contact the submitting attorney, whose name is indicated in italics after the synopsis of each case.

In the year's highest award reported in Trial Reports, *Jefferson v. Nesor Alloy Corp.* (10 VLW 1249, April 17, 1995), a Richmond jury awarded \$10 million to a trucker's son injured when his father's rig collided with another truck in Connecticut. The case was tried under Connecticut law. The boy lost most of his skin and suffered brain damage. *Douglas A. Barry, Richmond*

The year's highest settlement went to a young woman diagnosed at an emergency room with a pinched nerve. She later suffered a brain stem stroke. She received a \$6 million medical-malpractice settlement in *Doe v. Roe*. (10 VLW 1019, Feb. 27, 1995.) The woman is now a quadriplegic. *Brian C. Shevlin, Arlington*

In *Proe v. Coe* (10 VLW 1199, April 3, 1995), a child admitted into the hospital to be circumcised, who had complications from anesthesia and now suffers from cerebral palsy, received a \$4.2 million medical-malpractice settlement. The child had a fever when he went into the hospital, went into laryngospasm and had to be intubated when anesthesia was administered. He was transferred to a second hospital, where his ventilator tube became displaced and his airway was obstructed for 15 minutes. *William E. Artz, Arlington*

In *Freeman v. Case Corp.* (10 VLW 674, Nov. 27, 1995), a products-liability case, an Abingdon jury awarded \$3.8 million to a Southwest Virginia man who lost both heels when the tractor he was using to mow his lawn overturned. The man alleged that an improperly designed pedal caused the tractor to jerk forward, sending him into an embankment. The tractor then ran him over. Post-verdict motions are pending on the case. *J. Farrest Taylor and J. Keith Givens, Dothan, Ala.*

A confidential negligence case in Arling-

ton Circuit Court (10 VLW 1199, April 3, 1995) resulted in a \$3.5 million settlement. Five people driving home from a wedding rehearsal dinner were injured when a car crossed the median and hit their vehicle head-on. The plaintiff, the groom's brother's wife, suffered a severe brain injury and spent 21 days in a coma. The defendant was driving a company car that was heavily insured under an umbrella policy. *Robert J. Surovell and Robert J. Arthur, Fairfax.*

In *Page v. Barnes* (9 VLW 920, Jan. 30, 1995), a Lynchburg jury awarded \$3 million to a man injured in a head-on collision with a vehicle belonging to an excavating company. The small company had little insurance, and the plaintiff's attorneys are now trying to reach the owner of the company, individually. *Thomas L. Phillips, Thomas L. Phillips Jr., Leslie S. Stargell and Hellen P. Carrington, Frostburg*

In a products-liability action, the estate of a man killed in a low-impact collision settled for \$2 million. The estate in *Baird v. Chrysler* (10 VLW 337, Sept. 4, 1995) alleged that faulty seat design caused the man's death. The Prince William County action was one of at least 24 products-liability suits filed against the automobile manufacturer nationwide alleging a defect in the driver's seat of minivans. *Charles Zauzig, Lake Ridge, and David W. Bianchi, Miami*

In *Starrett v. Utility Constr.*, (9 VLW 995, Feb. 20, 1995), the estate of a man killed when a bulldozer towed by a dump truck broke loose and hit his car received a settlement worth \$1,959,502. The bulldozer allegedly had been speeding around a curve when the accident took place. *Mark D. Cummings, Arlington*

A Norfolk jury awarded \$1.5 million to a woman who fell through a trap door, suffering injuries to her face, neck and back in *Fowlkes v. Towers Assocs.* (10 VLW 722, Dec. 11, 1995) Norfolk Circuit Judge Lydia Calvert Taylor declined defense motions to set aside the verdict. The opinion is digested at 10 VLW 740 (VLW 095-8-410). *Robert S. Cohen and Larry W. Shelton, Norfolk*

In *Coleman v. Henshaw* (10 VLW 588, Nov. 6, 1995) a man who lost control of his car while veering out of the way of a concrete truck received a \$1.29 million settlement. The man was hospitalized for 43 days and suffers from permanent weakness in his left hand and leg. *John C. Shea and James M. Minor, Richmond*

## Top 10 Trial Reports

**\$10 MILLION VERDICT**  
Negligence Jefferson v. Nesor Alloy Corp. 10VLW1249 4/17/95

**\$6 MILLION SETTLEMENT**  
Medical Malpractice Doe v. Roe 10VLW1019 2/27/95

**\$4.2 MILLION SETTLEMENT**  
Medical Malpractice Proe v. Coe 10VLW1199 4/3/95

**\$3.8 MILLION VERDICT**  
Products Liability Freeman v. Case Corp. 10VLW674 11/27/95

**\$3.5 MILLION SETTLEMENT**  
Negligence Confidential 10VLW1199 4/3/95

**\$3 MILLION VERDICT**  
Negligence Page v. Barnes 9VLW920 1/30/95

**\$2 MILLION SETTLEMENT**  
Products Liability Baird v. Chrysler Corp. 10VLW337 9/4/95

**\$1,959,502 SETTLEMENT**  
Negligence Starrett v. Utility Constr. 9VLW995 2/20/95

**\$1.5 MILLION VERDICT**  
Negligence Fowlkes v. Towers Assocs. 10VLW740 12/11/95

**\$1.29 MILLION SETTLEMENT**  
Negligence Coleman v. Henshaw 10VLW588 11/6/95

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