

## **Hartline Dacus Barger Dreyer LLP successfully defends trucking company in jury trial involving high-speed crash between an 18-wheeler and an SUV.**

DALLAS, Texas, May 22, 2013—Hartline Dacus Barger Dreyer LLP today announced that its attorneys, Darrell Barger, Brian Rawson, and Stephanie Roark, successfully defended Tutle & Tutle Trucking, Inc. and one of its drivers in a three-week jury trial in Cleburne, Johnson County, Texas involving a truck crash.

On October 24, 2011, Plaintiff Scott Harris, age 38, was driving his 2003 Chevrolet Suburban southbound on US 67 west of Cleburne with his mother, Sandra Harris, in the front passenger seat. As they approached the intersection of US 67 and County Road 308, a Tutle & Tutle 18-wheeler driven by one of its employees attempted to turn left onto US 67 from County Road 308 in front of Mr. Harris' vehicle. Plaintiffs alleged that the tractor-trailer driver failed to yield the right-of-way, which resulted in Mr. Harris t-boning the trailer at a high rate of speed. In the crash, Mr. Harris sustained a compound wrist fracture, a leg fracture, a facial fracture, and a traumatic brain injury, and Mrs. Harris suffered from a lacerated spleen, perforated colon, and a skull fracture. Plaintiffs claimed they suffered severe and permanent injuries as a result of Defendants' negligence and gross negligence.

Plaintiffs' attorney, John David Hart, called more than 25 witnesses in an attempt to prove his case. One of these witnesses was Tutle & Tutle's driver, who admitted that he was negligent when he pulled out in front of the Harris vehicle and exercised conscious indifference in doing so. Plaintiffs' counsel also called Scott Harris' treating neurologist, Azreena Thomas, M.D., who testified that because of his traumatic brain injury, Mr. Harris currently suffers from a seizure disorder that requires him to take anti-seizure medication. Dr. Thomas also opined that Mr. Harris will develop medically refractory epilepsy within five years, which will cause his medication to become ineffective and prevent him from driving and working at his job as an Executive Director at USAA. Plaintiffs' counsel also called a vocational consultant, Carl Hanson, who testified that Mr. Harris would have reached the CEO level at his job within four years, but for the truck crash.

Defense counsel argued that this unfortunate accident and resulting injuries to Scott and Sandra Harris occurred because Mr. Harris failed to safely operate his vehicle. All of the scene witnesses and Plaintiffs' weather consultant, David Finrock, testified that the visibility in the area of the accident was 200 to 250 feet due to dense fog. According to his vehicle's airbag module ("black box"), Mr. Harris was traveling with his cruise control activated at 71 mph until two second before impact, despite the foggy conditions and the posted speed limit being 65 mph. Scott and Sandra Harris never acknowledged the foggy conditions, as they testified it was merely overcast and they were both wearing their sunglasses when the accident occurred. Defense counsel was able to get Plaintiffs' accident reconstruction expert, Richard Schlueter, to

admit that had Mr. Harris been traveling between 60 and 65 mph, he would have been able to stop his vehicle safely prior to impacting the 18-wheeler.

Regarding Plaintiffs' alleged injuries, defense counsel argued that (1) Mrs. Harris has recovered from her physical injuries and returned to her pre-crash condition; and (2) Mr. Harris is expected to make a full recovery from his orthopedic injuries and did not suffer from a lasting head injury. Defense counsel was able to get Mr. Harris to admit that not only is he receiving good evaluations at work and earning more money since the accident, he is now supervising over a hundred more employees at USAA.

Plaintiffs' counsel asked the jury during closing arguments to award over \$21 million in past and future medical expenses, lost wages, disfigurement, physical impairment, and conscious pain and suffering. But on May 22, 2013, after 90 minutes of deliberations, the Johnson County jury of six women and six men found Plaintiff Scott Harris 60% responsible for the accident, which barred him from recovering damages and limited his mother's recovery to \$66,800 in medical expenses.

Hartline Dacus Barger Dreyer LLP is a Texas-based law firm specializing in civil litigation and trials, with offices in Dallas, Corpus Christi and Houston. The firm's attorneys pride themselves on providing uncompromising excellence to their clients in a variety of areas, including products liability, commercial litigation, class action and multidistrict litigation, intellectual property, personal-injury defense, premises liability, labor and employment, insurance coverage, healthcare, construction, and dealer/franchise litigation. For more information about HDBD, visit [www.hdbdlaw.com](http://www.hdbdlaw.com).

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SOURCE: Official court documents and attorneys for the defense from Hartline Dacus Barger Dreyer LLP

CAUSE/CASE NO: C201100510

COURT: 18th Judicial District Court of Johnson County, Texas

JUDGE: The Honorable John Neill