

MOTOR VEHICLE

Motorcycle Wrongful Death Motor Vehicle Tractor-Trailer Motor Vehicle Lane Change

Semi's lane change led to

fatal collision with motorcycle

Verdict \$15,000,000

Case Joel and Debra Vaughn v. SL Transport Inc. and West Bay Leasing, No. 04-5462 DIVC

Court Hillsborough County Circuit Court, 13th, FL

Judge James Barton

Date 9/21/2005

Plaintiff

Attorney(s) Wil H. **Florin, Florin** Roebig, Palm Harbor, FL

Thomas D. Roebig, Jr., **Florin** Roebig, Tampa, FL

Defense

Attorney(s) Douglas M. Fraley, Molhem & Fraley P.A., Tampa, FL

Facts & Allegations On Oct. 31, 2003, plaintiff's decedent Jeremy T. Vaughn, 24, who worked moving furniture for a small company, was riding his motorcycle southbound in the right lane of U.S. 41 in Tampa when he collided with a semi and died instantly.

His parents Joel and Debra Vaughn, both 46, sued the driver of the semi, Frank Collura, and his employer, SL Transport Inc., Minneapolis, or their son's wrongful death on a theory of negligence and vicarious liability, and West Bay Leasing, Minneapolis, from whom SL Transport leased the truck, on a theory of vicarious liability.

The plaintiffs claimed that Collura was in the center lane, either just ahead of Vaughn or alongside him, when he made an unsafe lane change, causing the collision. Their attorneys argued that Vaughn came in contact with the passenger side door, fell off his bike and was then run over by a set of the truck's wheels.

The defense contended that Vaughn was completely at fault. It argued that Vaughn was not in the right lane but was in the center lane and was not directly behind the truck but was riding behind a car that was behind the truck. The defense went on to argue that Vaughn, who it claimed was speeding, tried to slingshot around the car and truck even though it was clear that Collura's right turn signal was on and he was changing lanes. The defense further maintained that Vaughn made contact with the rear right corner section of the tractor-trailer, indicating that Collura was already turning when Vaughn made his move.

Three eyewitnesses all gave differing opinions regarding speed and area of impact. The Florida Highway Patrol's homicide investigator opined that the point of impact was as described by the plaintiffs' counsel.

Injuries/Damages

The parents didn't seek any economic damages but claimed past and future pain and suffering for the loss of their adult son. A mover with a small furniture company, Vaughn was taking classes to learn computer hardware repair. He was the youngest of two children. He had lived at home with the family up until a month before the accident. Their attorneys asked the jury to award the parents \$10 million. Through the testimony of family members as well as a neighbor and a co-worker of the mother, plaintiff counsel showed the jury that this was a very close family that spent much time together

Result The jury found that the defendants were 100% at fault and awarded the Vaughns \$15 million. It's unclear how much West Bay will contribute to the verdict, according to plaintiff's attorney Wil **Florin**, as it has become the subject of post-trial issues.

When asked why jury awarded \$5 million more than what he asked for, **Florin** said, "The clients are very kind and loving people as was the decedent and the jury obviously recognized their deep loss. **Florin** added that he spent time during the voir dire with those who had adult children regarding the concept that when your kids are older you don't love them less, but probably more than when they were younger due to the numerous life experiences you have shared with them that are not present with a newborn. " It is a concept that is probably hard to understand for those without adult children," **Florin** said. "But since two of my four kids are now adults and away in college, I get it, and wanted to make sure up front that all the jurors did to."

Debra Vaughn \$7,500,000 past and future pain and suffering

\$7,500,000

Joel Vaughn \$7,500,000 past and future pain and suffering

\$7,500,000

Demand \$1 million

Offer \$300,000

Insurer(s) AIG for West Bay Leasing

Canal Insurance for SL Transport Inc.

Trial Details Trial Length: 3 days

Trial Deliberations: 45 minutes

Plaintiff

Expert(s) Joseph Abal, Ph.D, human factors -- see also technical- engineering-ergonomics, Tallahassee, FL

Daniel Spitz, M.D., pathology, Warren, MI

Defense

Expert(s) Julian Beaver, accident investigation & reconstruction/ failure analysis/product liability, Brunswick, GA

Editor's Note The defense counsel did not respond to an emailed draft of this report or a phone call.

Jeff Skruck