

SUV mashed by tractor-trailer on highway ramp

\$4 million settlement

A 19-year old college student was driving down an entrance ramp onto a major south-bound highway. Both sides of the ramp were flanked by huge snow banks approximately 6 feet high.

The defendant was driving a tractor-trailer for his employer, an intrastate trucking company, down the same entrance ramp directly behind the plaintiff. According to his deposition testimony, he was 100 feet behind her, going approximately 40 mph. The defendant admitted that he saw snow banks protruding halfway into the plaintiff's lane of travel.

As the plaintiff drove down the ramp, her front right wheel caught some of the snow bank and flipped her SUV. The defendant rammed the front of his tractor-trailer into the plaintiff's car, crushing the roof. The plaintiff's back was fractured and her spinal cord severed in the accident. She is now permanently paralyzed from the waist down.

A plaintiff's expert would have testified that, according to the Massachusetts Commercial Driver's License Manual, the truck should have been at least six or seven seconds behind the plaintiff's car; at his speed and distance, he had been only about two seconds away.

The plaintiff asserted a claim against the trucking company for the negligent hiring, retention, training and supervision of the defendant driver. Discovery revealed that the company failed to ensure that the driver completed and signed his application for employment and failed to obtain his three-year driving history, as required by applicable state regulations. As a result, it failed to discover that he had had numerous traffic violations and accidents prior to his hiring. The trucking company did not train the defendant driver on the safe operation of tractor trailers, either at the time of his hire or throughout the years it employed him.

Moreover, for a substantial period of time that it employed the defendant driver, the company failed to perform annual checks of his driving record. Four years prior to the accident, the driver's commercial license had been suspended for one year when he pleaded guilty to driving his personal vehicle while intoxicated.

The defendants argued that the plaintiff was reading a text on her cell phone and failed to observe the protruding snow bank; therefore, she was contributorily negligent. The de-



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fendants also argued that the truck driver was confronted with a sudden emergency and could not have avoided the collision.

Action: Motor vehicle negligence

Injuries alleged: Paraplegia

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Amount: \$4 million

Date: Oct. 26, 2012

Attorneys: Jeffrey N. Catalano and Carole C. Cooke, of Todd & Weld, Boston (for the plaintiff)

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