

Semi-Truck with Two Loaded Trailers Smashes into Vehicle, Crushing Hopes for Bright Future

On a clear, dry night in February 2008, Ms. H stopped at a gas station in Tallahassee, Florida, filled up the tank of her 1993 Mercury Villager van, and began her trip back to central Florida where she worked as a civil engineer for a small engineering firm. Ms. H, 41 years old, had completed a second master's degree in civil engineering, and was now a doctoral candidate studying at Florida A&M University/Florida State University College of Engineering. In 1997, Ms. H had left her home in Puyang, Henan Province, China, after completing a master's degree in geology and moved to America to pursue the American Dream. Her goals were to complete her education and become a United States citizen. She also wanted to bring her daughter, CK, to America so that she, too, could pursue a good education and become a citizen. Ms. H was an exceptional student, who put in long hours studying and working to achieve her dreams. She received high praise from her professors for her research and computer skills.

The future was looking very bright that night in February, when Ms. H left the gas station and headed east on Interstate 10. Approximately seven miles down the highway, a semi-truck pulling fully-loaded double trailers came barreling down the highway behind Ms. H. The truck's driver had been in the rig since the previous midnight. The truck slammed squarely into the back of Ms. H's van at top speed. For at least three seconds, the truck driver did not even apply his brakes, speeding down the highway with the van lodged on the truck's grill. Suddenly, the van broke free of the truck and was thrown at high speed into a huge pine tree at the side of the highway. The front of the van was destroyed, the engine and firewall crushed into the front seat. Ms. H's right leg was partially amputated, hanging by a small patch of skin from behind her knee. She suffered brain injury; numerous fractures in her neck, ribs, and legs; and liver laceration. Trapped in the wreckage, bleeding, unable to move, and barely able to breathe, Ms. H suffered cardiac arrest. Emergency personnel arrived on the scene, got her out of the car, and rushed her to the hospital.

Ms. H knows what hard work is. She has been a tough and determined woman her whole life. Following numerous operations and very lengthy rehabilitation,

she was able to achieve a remarkable recovery, considering her catastrophic injuries. Nonetheless, her life was changed dramatically. She can no longer work or attend school. She is in constant severe pain. She regained the ability to walk, albeit very slowly, and has limited use of her arms and hands. She must endure a permanent tracheostomy that limits speaking, eating, and swallowing. She can no longer care for herself and must have round-the-clock medical care. Her 19-year-old daughter, CK, now lives with her mother in Gainesville, Florida, where CK attends college.

The trucking company refused to accept responsibility for the accident. Ms. H sought representation by SDSBS attorneys **Chris Searcy** and **James Gustafson**. They were supported in the case by SDSBS attorneys **Earl Denney**, **Jack Scarola**, and **Bill Norton**. Defense counsel for the trucking company tried to place blame on Ms. H, alleging that she was driving too slow, failed to have her lights on, and failed to wear her seatbelt. Meticulous investigative work refuted the company's allegations. Just days before the trial was scheduled to begin, the case settled for a confidential eight figure amount. ♦

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