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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.

**\$1.25 Million  
Settlement:**

**CLAIM FOR  
UNINSURED  
MOTORIST  
BENEFITS**

## *Bizarre Chain of Events Results in Woman's Brain Injury*

Uninsured Motorist (UM) coverage is an extremely important form of insurance that is too often overlooked by Florida drivers and automobile owners. This coverage protects policyholders, and sometimes others, for injuries caused by negligent drivers who have insufficient liability coverage. Though insurance companies are required to offer UM coverage to all customers with liability coverage, many people choose not to carry it.

Fortunately, Erin Wolfe was protected by UM coverage when she was seriously injured in an accident on August 21, 2001. Erin was a passenger in a car owned by her father and driven by her friend, Greg Lambert. Erin and Mr. Lambert were returning to college, traveling northbound on the Florida Turnpike at night, when a southbound vehicle driven by Johnny Lee Hodge veered out of control. Mr. Hodge's vehicle overturned several times in the median before coming to rest on the northbound side of the roadway. Amazingly, Mr. Hodge was able to exit his vehicle, but his SUV was now totally disabled in the path of oncoming traffic. The electrical system had been damaged and the lights were not functional. Mr. Hodge walked to the median to attempt to warn approaching drivers and to seek medical assistance.

Traveling ahead of Ms. Wolfe and Mr. Lambert was a truck driver operating a large tractor trailer rig. Seeing it at the last minute, the truck driver avoided colliding with Mr. Hodge's broken down SUV by swerving into the breakdown lane. One of the two trailers he was towing overturned as a consequence, but the truck driver was able to stop his rig safely. He immediately turned on his flashers to warn other motorists.

Unlike the trucker, Mr. Lambert did not recognize the danger ahead in time to safely avoid it. (He would later admit that he had been traveling in excess of the speed limit.) He swerved to his left at the last instant, but struck the disabled vehicle. That impact sent him into the median,

where he struck and killed Mr. Hodge. The car then careened across the southbound lanes, eventually striking a tree in a heavily wooded area. Tragically, one of the tree branches penetrated the windshield on the passenger side, striking Erin on the right forehead.

Erin was rushed in a TraumaHawk helicopter from the crash scene to a local trauma center. She was diagnosed with a fractured collar bone, a dislocated shoulder, and a "degloving" injury to her scalp. She also suffered numerous facial lacerations that required extensive reconstructive surgery. Worst of all, she suffered a depressed skull fracture, causing a brain injury that would leave her with significant memory deficits and cognitive dysfunction.

Erin was forced to postpone attending college for about a year, but her will, discipline, and determination enabled her to return to school to successfully complete her degree in elementary education. Nevertheless, she will have to utilize memory aids for the remainder of her life.

Both Mr. Hodge and Mr. Lambert were negligent in operating their respective vehicles, and therefore both were responsible for causing the tragic and disfiguring injuries to Erin. Unfortunately, neither carried bodily injury liability coverage at the time of this fateful crash. Erin, however, carried uninsured/underinsured motorist coverage that effectively took the place of the liability coverage rejected by the two at-fault drivers.

Though Erin's UM coverage was in effect, her insurance company refused to recognize the enormity of her damages. She therefore enlisted the services of F. Gregory Barnhart to investigate the facts of the accident and to pursue a claim against Erie Insurance Company on her behalf. After roughly a year and a half of litigation, Mr. Barnhart was able to resolve Erin's claim for \$1.25 million. The settlement was reached just before a binding arbitration hearing was to commence to determine the extent of Erin's damages. ■