

\$1 Million Settlement; High School Student Suffers Brain Injury in Truck-Auto Crash

September 12, 2006 started out to be just another school day for 15-year-old Elizabeth Elliott, a truly all-American girl. Healthy, active, an excellent student and cheerleader at Bishop Kennedy High School, and member of a wonderful and loving family, Elizabeth was indeed living a charmed young life. In an instant that morning, her life was abruptly changed to a nightmare of injuries caused by the careless inattention of two vehicle drivers.

Elizabeth had accepted a ride to school with a friend. In the early morning hours, prior to sunrise, she got into the backseat of her friend's car and fastened her seatbelt. As the friend drove out of the driveway, turning left onto County Road 210 in St. John's County, Florida, a tractor-trailer truck heading directly toward them crashed into the side of the car. Later there would be conflicting testimony as to whether or not the truck's headlights were on at the time of the crash. Elizabeth's young friend, the driver of the automobile, testified that she had seen no oncoming traffic as she prepared to turn. Unfortunately, she had already pulled out into the roadway before checking to ensure, a second time, that there was no traffic coming toward her from the left.

The truck was hauling a full load of sand that weighed over 50,000 pounds. The truck driver later testified that he did have his lights on, and that he had observed the teenage automobile driver coming down the driveway at a fast rate of speed. The site of the crash is in an area where it is common knowledge to local residents that heavily-loaded trucks routinely travel at fast speeds in close proximity to the schools, school buses, and other local traffic filling the area. Florida statutes require every driver to drive at an appropriately reduced speed when going around a curve, approaching an intersection, or meeting any special hazards with respect to other traffic or weather and highway conditions. Had the truck driver followed these rules and traveled at a more prudent speed through the area around the schools, he might have been able to minimize the impact or possibly avoid the crash altogether.

Elizabeth was severely injured by the collision, suffering a brain stem hemorrhage, left occipital fracture, T-1 fracture, fracture of her left femur, and spleen lacerations. The CT scan showed a massive hemorrhage within the brain. She was airlifted to Shands Hospital, Gainesville, Florida, for urgent care where she remained in a coma for weeks, unable to breathe on her own. Doctors conducted an external

Early one morning, a heavy truck plowed into the side of an automobile carrying a teenage driver and passenger to school. The young passenger suffered severe head and spinal injuries. After weeks in a coma, she began grueling rehabilitation to regain her physical, mental, and emotional capabilities. Explaining the nature of brain injuries was critical to the claim for damages. The case settled for over \$1 million.

ventricular drainage to reduce the pressure on her brain, and fashioned a halo brace to stabilize her neck fracture. She also endured an open reduction and internal fixation to repair the fractured femur. Elizabeth's brain pressure fluctuated considerably, leaving her perilously unstable. To her parents, sitting by her side in agony waiting for signs of improvement, the threat of loss was ever present. The local media published numerous stories about Elizabeth and her family's struggles to deal with the tragedy.

When Elizabeth finally rallied from her coma, her parents felt their prayers had been answered. Very shortly thereafter, however, they realized that there were more emotional and physical hills to climb. The brain damage had left Elizabeth unable to follow simple commands, and her thoughts were best described as "jumbled." The long journey of managing the life of a brain-injured child had now begun. Elizabeth struggled every day to comprehend ordinary life as she reconnected with her parents, siblings, and friends, and endured the grueling rehabilitation regimen.

Getting back to regular school life was a significant challenge. Initially, Elizabeth managed to keep up with school life by home schooling and on-line classes. Eventually, she was able to return to high school by utilizing special accommodations. She has done amazingly well, through persistence and hard work, and has even returned to cheerleading. The family asked SDSBS attorneys **Chris Searcy** and **Karen Terry** to represent them in a civil action against the trucking company and the driver for their failure to exercise proper care and attention to their responsibilities that morning. The action also included the obligations of the parents of the teenage automobile driver who were inadequately insured for such an accident.

Defendants in the case saw Elizabeth's recovery as nothing short of 100%. However, looks are deceiving. What was not apparent is all of the hard work and effort required to make life work out each day. Elizabeth works diligently at getting back to her pre-crash capabilities. She has difficulty concentrating. Information was gathered from studies on long-term impact of head injuries suffered by soldiers on the battlefield and athletes subjected to repetitive head damage. With this information, Chris Searcy and Karen Terry were able to explain the nature of brain injury to the defendants with sufficient clarity that they could finally appreciate the sheer determination that was required, and will continue to be required, for the teenager to successfully recover.

The parties conferred and eventually reached a settlement in excess of \$1 million. Elizabeth's next challenge is college. ■