



*The Shah family in 1997. L. to r. Kashmira, Tina, Sanjay and Bipin.*

## *Jury Awards \$3.773 Million for Woman's Death*

**O**n Aug. 2, 1999, at approximately 2:30 p.m., 16-year-old Sanjay Shah was driving his family's Dodge Neon northbound on I-95 in Boca Raton. His mother, Kashmira, was riding in the front passenger seat. Both wearing seat belts, they were returning home from shopping for school clothes for Sanjay. As they approached an overpass, heavy rains and a collision ahead brought traffic on the highway to a standstill.

As the Shahs sat in traffic, an 80,000 pound tractor-trailer was barreling up I-95 behind them, heading for Orlando. The truck was driven by Keith Brown, 33, and was owned by a company called Plastic Tubing of Apopka. Mr. Brown had been driving for almost 15 hours and was rushing to get back to the company factory. While the Shahs waited in traffic, the tractor-trailer smashed into them from behind, propelling them into four vehicles ahead. Sanjay suffered multiple fractures, lacerations, contusions, and a concussion. Kashmira suffered severe internal injuries. Despite exhaustive efforts by trauma surgeon Israel Rabinsky, M.D., she was pronounced dead later in the evening.

Suit was filed by Kashmira's husband, Bipin Shah of Delray Beach, and his children, 18-year-old Sanjay and 20-year-old Tina. Attorneys Chris

Searcy and David Kelley tried the case for ten days, beginning April 23.

Just prior to trial, the defendants admitted liability, leaving only damages for the jury to consider. During the trial, Miami-based psychiatrist Michael Hughes testified regarding the psychiatric impact of Mrs. Shah's death and the traumatic loss suffered by each family member. With the help of Dr. Hughes, Mr. Searcy showed that young Sanjay suffered post-traumatic stress syndrome, a condition similar to that suffered by Vietnam veterans after the war. An economist, Dr. Bernard Pettingill, testified that the Shah family lost nearly \$1 million in support and services due to Kashmira Shah's wrongful death.

On May 3, the Palm Beach County jury rendered a \$3.773 million verdict. The jury, comprised of four men and two women, took two days to render their decision. The Shah family had previously issued a proposal for settlement under Florida Rules of Civil Procedure. Since the verdict was more than 125% of that proposal, the Shahs will seek court costs and attorney fees from the defendants. The money awarded will be used for the Shah children's education, as well as for any psychological counseling needed in the future. ■