

Leasing Company Settles with Family of Deceased Child

On Oct. 31, 1998, a young boy, his older sister, and their cousins were enjoying Halloween night, trick-or-treating. As the group of children crossed a street, the driver of an automobile hit the young boy. The boy, described by his first grade teacher as an angel and a perfect student, was killed.

Attorneys Jack Scarola, Darryl Lewis, and Ellen Brandt were hired by the boy's family to investigate the crash. Witnesses were brought to the scene to show investigators their exact vantage points on the night of the tragic accident. Photo-

graphs of each witness's view were incorporated with other findings to help establish that the driver was negligent.

With strong liability on the driver established, attention was turned to the limited insurance coverage carried by the at-fault driver. However, the driver of the car was operating a vehicle that had been leased under a long-term lease agreement. Generally, a company that leases a vehicle to a lessee under a long-term lease is entitled to enjoy a statutory exemption from liability, provided the company strictly complies with the terms and conditions of the statute. In this case, however, strict compliance of that statute was called into question based on the limited insurance coverage carried by the lessee. Suit was therefore filed against the leasing company.

Arguing strict compliance with the statute governing leasing companies, the company in this case moved for Summary Judgement. At the hearing, Darryl Lewis successfully argued that the leasing company failed to strictly comply with the terms and conditions of the statute. The company's Motion for Summary Judgement was therefore denied and the case proceeded to trial. Several days into the trial, Jack Scarola, Darryl Lewis, and Ellen Brandt reached a confidential settlement with the leasing company on behalf of the deceased child's family. ■

