

# MAN'S DEATH IN HORRIFYING MULTI-VEHICLE CRASH CAUSED BY NEGLIGENT DRIVER

**Family's loss is compounded by defendants' challenge of the validity of father's marriage**

**O**n a warm Monday morning in July 2006, Mr. X awoke, startled by his wife telling him that he had overslept and that he was going to be late for work. The previous day, Mr. X had attended a party at his parents' house where he had gotten drunk, consumed even more alcohol after returning to his own home, and finally passed out. In his intoxicated state, he had either failed to set his alarm or had slept right through the alarm's buzzer. Mr. X raced back to his parents' house where he had left the large commercial pick-up truck his employer, Company A, provided for him, and then drove the truck toward his employer's office.

Mr. X knew when he left his parents' house in Company A's truck that he was going to be late for work, and he grew increasingly anxious about his late arrival. As he drove at speeds well in excess of the posted limit, he began searching the passenger compartment of the truck looking for his personal cell phone. Mr. X needed to let his supervisor know that he was on his way. He did not want to use the company's two-way radio, clipped handily on his belt, because he knew that others would overhear the conversation.

Mr. X was already in hot water with his employer because of an accident he had two months earlier, only a few months after he was hired. Fortunately, no one was injured in Mr. X's first crash involving a company vehicle. Mr. X's supervisor at Company A warned Mr. X that if anything else happened "he might be written up." However, no further action was taken by Company A to ensure that Mr. X was qualified to operate the vehicle entrusted to him by his employer.

As Mr. X barreled down the highway while searching for his cell phone, he failed to see that traffic had come to a stop in front of him. A passenger vehicle was waiting to make a left turn off the highway. A landscape company truck, carrying five employees and pulling a trailer with equipment, had stopped behind the car, waiting for the lane to clear. Mr. X smashed full speed into the vehicles ahead of him, going through the trailer and coming to rest on top of the landscape company truck. Fuel containers on the trailer were ignited by the crash, and a huge fireball consumed the three vehicles. Mr. Z, an employee of the landscape

company, was caught in the twisted metal wreckage and was unable to escape the wreck's fiery aftermath. His co-workers were unable to free him from the wreckage. Tragically, Mr. Z burned to death.

Mr. Z was only 32 years old when he died. Eighteen months earlier, he had come to the United States from his home in Honduras, leaving behind a wife and thirteen-year-old son. His plan was to work hard for three years, send money back home to help his family, and save money to make their lives better when he eventually returned to Honduras. Mr. Z's brother had come to the U.S. earlier, and had helped Mr. Z get the job with the landscape company. Almost immediately, Mr. Z began a weekly practice of wiring money back home to his wife and son and to his elderly parents. His family also relied on the love, support, and guidance Mr. Z provided in weekly telephone calls and regular email exchanges with his wife and son. He was a responsible man, pleasant to be around, and was considered a reliable, hard worker by his employer. Halfway through his three-year plan to make a better life for his family back home, Mr. Z's life and his family's dreams abruptly ended in a horrifying crash that resulted from Mr. X's careless operation of Company A's commercial vehicle and the company's failure to properly train and supervise Mr. X.

Mr. Z's family sought representation from SDSBS attorneys Jack Scarola and Jack Hill. A wrongful death action was filed against the company on behalf of Mr. Z's family. While Mr. X and Company A could not fight their overwhelmingly clear responsibility for causing the death of Mr. Z, the defendants took great steps to challenge the validity of the common-law marriage between Mr. Z and his wife of 13 years. In seeking to provide Mr. Z's family with the full measure of justice which they so richly deserved, it was critical to establish that Mr. Z's common-law wife would be recognized as his spouse under Honduran law. To that end, SDSBS retained local counsel to bring an action in Honduras to have the Honduran court formally recognize the validity of the marriage between Mr. Z and his wife. As a result of several trips to Honduras and a thorough investigation, Mr. Scarola and Mr. Hill were able to gather the evidence necessary to prove that Mr. Z and his wife were validly married according to Honduran law. With that evidence in hand, a settlement was finally reached to help Mr. Z's family reach past their loss and towards the life he died trying to make for them. ■