

# Truck Driver's Failure to Warn Traffic Causes Crash

## Semi-trailer truck driver fails to provide safety warnings that would have cautioned oncoming drivers.

On the evening of January 10, 2003, Beverly and Earle Knowles, winter residents of Jensen Beach, Florida, were driving home on State Road 60 after visiting with relatives near Tampa. The portion of the road they traveled that night is located in rural Hillsborough County. It was sparsely populated, dark, and surrounded by miles of orange groves. As 69-year-old Earle drove east in the darkness, he unexpectedly came upon a semi-trailer truck completely obstructing the road. He had no time to take evasive action to avoid the horrific collision between his car and the truck. The impact was so severe that the Knowles' vehicle was later declared a total loss.

The semi-trailer truck was owned by C. Young Citrus, Inc. That night, the operator was attempting to back the huge vehicle across SR 60 and into an orange grove for loading. He failed to take any action to ensure safety or to provide warnings prior to blocking the roadway with his truck. Despite the driver's knowledge of the likelihood that there would be oncoming traffic, traveling at least 60 miles per hour toward him, the operator attempted this dangerous traffic maneuver without any of the precautions required by Florida statute, such as placing flares or reflective triangles on the roadway, or utilizing a flagman.

While Earle was stunned and shaken, he was not seriously injured. Beverly, 69 years of age, was in the rear passenger seat of the vehicle. At the scene of the accident, she experienced difficulty breathing and complained of severe pain in her chest, back and neck. She was immediately taken by ambulance to Lakeland Regional Hospital where she was admitted, suffering from a sternal fracture, right rib fractures and a duodenal hematoma.

Beverly Knowles remained hospitalized for four days. Despite the significant treatment and care she received

at Lakeland, Beverly continued to suffer increasing pain and severe discomfort in her neck. Following her release, Earle and Beverly returned to their home in Michigan. Upon arrival in Michigan, she presented to an orthopedic surgeon who diagnosed her as suffering a severe subluxation and hyperextension of her neck, which meant that her neck was significantly out of position. Beverly's doctor literally wheeled her to a neurosurgeon, located in the same building, who confirmed a severe cervical spine injury at the C6-7 level. Beverly's injury was so potentially dangerous that the neurosurgeon immediately admitted her to the hospital and scheduled her surgery. Had this injury not been discovered, Beverly could have been paralyzed from the neck down for the rest of her

life. The following morning, Beverly underwent a cervical spinal fusion followed by an extended recovery and physical therapy regimen.

Beverly and Earle sought local counsel, who initiated a lawsuit against the citrus company and the truck's operator. They believed that those at fault would assume responsibility and admit liability for their actions. Incredibly, the defendants' insurer denied liability and, instead, sued Earle Knowles alleging that he was responsible for the collision. The case was set for trial.

Local counsel referred the Knowles case to Searcy Denney Scarola Barnhart & Shipley. Attorneys Greg Barnhart and Sia Baker-Barnes immediately initiated extensive discovery which included locating and scheduling the deposition of a key eye-witness who testified as to the failure of the company's driver to provide any warning and the driver's reckless conduct in blocking the roadway.

The gathered evidence was forcefully presented over five days at trial. Eventually, justice was served. Earle Knowles was absolved of any liability, and the citrus company was held 100% negligent and accountable for the full amount of the \$738,000 judgment for their actions. ■

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**\$738,000  
Verdict**

**AUTO ACCIDENT:  
NEGLIGENCE BY SEMI-  
TRAILER TRUCK DRIVER**