

**JOHN DOE v.
FLORIDA NEWSPAPER
AND JANE DRIVER**

Early one morning plaintiff, John Doe, a 33 year old carpenter, was walking along a county road. He was on his way to catch a ride to work from a co-worker. Defendant Florida Newspaper's employee, Jane Driver, was driving the company van making deliveries on very little sleep.

She left her lane of travel, crossed the 3-1/2 foot safety zone to her right, went off the paved roadway surface, and struck Mr. Doe as he walked along the path beside the road. He was thrown 28 feet in the air and came to rest well off the roadway. Jane did not stop. She corrected the direction of the van, got back on the road and fled the scene. Mr. Doe was discovered one hour later by a passing motorist. Suffering from a severe closed head injury and multiple trauma, he was taken to a nearby hospital where he was in a coma and in critical condition for several weeks.

Jane Driver failed to report the accident to the police in violation of Florida Newspaper's policy, and failed to stop at the scene in violation of Florida Statutes. Her employers also failed to report the incident to the police. It was not until 5 days later that the investigating Florida Highway patrolman was able to implicate Jane Driver and Florida Newspaper in the accident.

The Plaintiff contended that Jane Driver was chronically fatigued, had little sleep, and drifted off the road when she fell asleep at the wheel. Her typical day consisted of working at a local su-

permarket from 10:00 a.m. until 5:00 p.m. She would get a few hours of sleep and then get up and go to her second job at Florida Newspaper. She would make deliveries from 1:30 a.m. until 6:30 a.m. She kept this schedule six days a week.

Ms. Driver said she was forced off the road by a phantom vehicle, and that she thought she hit a mailbox. Florida Newspaper knew that many of its employees work two jobs, some with two full-time jobs. It had no policies or mechanisms to assess which employees might be a danger because of chronic fatigue. While investigating this case, Plaintiffs also established that Florida Newspaper had failed in the past to enforce their policy of reporting accidents to the police and waiting at the scene.

John Doe suffered a grade III closed head injury and brain damage. After awakening from the coma, he had to learn how to talk and walk again. The delay in getting medical treatment for an hour before he was found made the brain injury worse. He suffers from partial right-sided hemiparesis, physical deficits, neurologic deficits, major cognitive deficits, emotional deficits, and behavioral problems. He will never be gainfully employed in the future and requires 24-hour supervision.

Chris Searcy and Michael Kennedy obtained a \$5.5 million settlement at the conclusion of the first week of an expected two week trial. ■