

Unlit tractor towing a feeder causes horrific accident

Victim's father began to receive phone calls from an 'insurance adjuster' claiming that Jimmy didn't need a lawyer.

At 6:00 a.m. on a dark, foggy, September morning, 28-year-old Jimmy Smith (not his real name) left his home in rural north-west Florida to go to work. The last thing he remembers about that morning is seeing a faint orange triangle in the middle of the road. His car, traveling 50 miles per hour, struck the orange triangle and came to an abrupt stop. Jimmy woke up five days later in the intensive care unit of Shands Hospital in Gainesville, Florida. The object his car had hit was a two-ton "cattle feeding unit" that was being towed down the roadway by a tractor driven by an employee of a local dairy farm. Neither the tractor nor the cattle feeding unit was equipped with headlights or any other illuminating device as required by Florida statute.

The Florida Highway Patrol responded to the scene of the collision and found Jimmy's car demolished. Emergency medical technicians also responded. Jimmy's injuries were so severe that he was immediately air-lifted to the hospital. The FHP notified Jimmy's parents who rushed to the hospital, frantic about their son. He had seven broken ribs, a fractured femur, fractured pelvis, and as yet undetermined internal injuries. Because of the severity of his injuries, doctors placed the young man into a chemically-induced coma. His condition was guarded, at best.

On the same day that Jimmy's parents were at the hospital worrying about their son's dire medical condition, Jimmy's father began receiving telephone calls from a person who identified himself as "an independent insurance adjuster." The caller told him, "I can help – you don't have to hire a lawyer." The "insurance adjuster" began questioning Mr. Smith about his son's activities on the morning of the collision. Mr. Smith knew he needed help, and recalled that a friend had been represented by SDSBS in the past. Mr. Smith called the firm and spoke with the intake paralegal concerning the accident, who referred Mr.



Smith to SDSBS attorney **Brian Sullivan**. Not surprisingly, calls made to the "insurance adjuster" were never returned.

Mr. Sullivan immediately drove to Gainesville to meet the family. He then traveled to the scene of the collision to begin investigating the circumstances surrounding the incident, which had occurred in a small, closely-knit rural community. Both witnesses and public officials were reluctant to cooperate fully with the attorney's investigation. Evidence emerged that Jimmy had not been wearing his seatbelt at the time of the collision, and that this had contributed to his significant injuries. Oddly, signs reading "Beware of Farm Vehicles" now appeared on the roadway. The dairy and its employee retained legal counsel and both were now hotly contesting any claim of liability. They alleged that Jimmy had been responsible for driving into their vehicle while not wearing a seatbelt.

With the assistance of the SDSBS investigative staff, Mr. Sullivan filed a lawsuit against the defendants in the rural county where they lived. Experts reconstructed the accident and examined the damage to both vehicles. In the meantime, Jimmy's physical condition improved and he was discharged from the hospital. After a regimen of physical therapy, he was able to return to work on a limited basis.

Mr. Sullivan continued extensive investigation while negotiating with the defendants' insurers and counsel. Eventually, the parties came to a settlement of \$500,000 – the full and complete limits on the defendants' policies. The proceeds will help Jimmy continue his treatment and recovery. He plans to be married in the near future. SDSBS takes pride in its ability to respond quickly to this family in need, and to accomplish a significant benefit for their client. ♦

