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Pasión Para La Justicia™

Impaired driver rear-ends vehicle resulting in \$750,000 in damages

Testimony from the scene of the accident allowed a claim for punitive damages

On the evening of December 5, 2015, Jane Doe and her husband, John, were traveling south on I-95 in south Florida. Their son, James, was driving the family truck and towing a trailer containing the family's ATVs. The family had spent the day driving their ATVs out in the countryside and, following dinner in Okeechobee, were headed back home to Palm Beach County.

As they drove down the interstate, their truck/trailer was suddenly struck from behind, pushing them toward the shoulder of the road. James struggled to keep the truck on the road as the vehicle behind them hit them a second time. Then the family watched as a white SUV with flashing hazard lights pulled out from behind them and passed them, weaving in and out of traffic, narrowly missing other cars. With their vehicles back under control, James followed the white SUV for about seven miles down the interstate nearing the exit at 10th Avenue. The white SUV exited onto 10th Avenue. James exited behind the white SUV and then maneuvered his vehicles in front of the white SUV to block its driver from driving off and causing harm to other drivers.

John and James are both trained firefighter-paramedics. As they blocked the SUV, both jumped out of their truck and approached the other vehicle to check on its driver and determine if she had any injuries. They noted as they approached that the SUV's side airbag had deployed. Speaking to the driver, they realized that she was noticeably intoxicated and her speech was slurred. When John opened the driver's side door, the woman nearly fell over trying to get out of the vehicle, but John caught her. Worried that she would try to drive off again, James grabbed the keys from the ignition and put them on top of her vehicle. The woman then attempted to get into another person's vehicle but was unsuccessful. She then stumbled down the street on foot and disappeared before police arrived on scene.

Immediately after the crash, Jane Doe began to experience neck pain. MRIs taken of her neck showed that she had suffered herniated discs at C4-C5 and C5-C6. As a full-time registered nurse, the potential effects on Jane Doe's life and career were significant. Five months after the crash, with no relief from chiropractic and orthopedic treatments and steroid injections, Jane underwent surgery for anterior cervical decompression and fusion. She was unable to work for almost ten weeks.

Jane and John Doe contacted SDSBS attorneys **Chris Searcy** and **D.J. Ward** and asked them to investigate their case and hold the fleeing SUV driver and her insurance company accountable for the injuries Jane suffered. Mr. Searcy and Mr. Ward were able to get the court to allow a claim for punitive damages against the driver of the SUV by arguing that there was a reasonable basis to believe that the SUV driver was intoxicated as evidenced by her behavior at the scene and her ultimate fleeing of the crash scene. On the eve of trial, they secured a settlement of \$750,000 for the Does. ♦



Attorneys proved that the driver was intoxicated due to her behavior, plus fleeing the scene of the crash.