

# TRUCKING DEFENSE VERDICT

South Carolina, The McKay Firm

**S**outh Carolina Law Firm Member: The McKay Firm Attorney Janet Brooks Holmes and Attorney Joseph Catalano obtained a complete defense verdict in a rear-end trucking case with alleged permanent neurological injuries. **Plaintiff was seeking approximately \$3,000,000.00 in actual and punitive damages.**

Defense successfully secured a complete defense verdict by arguing:

- Defendant driver, as an employee of Defendant trucking & transportation company, was not negligent
- Defendant trucking & transportation company was not negligent in supervising the Defendant driver

Prior to the Jury deliberations, Brooks Holmes and Catalano were successful in obtaining a directed verdict from the Court on all other direct claims which Plaintiff had filed against the company (negligent hiring, training, and retention). The claim of negligent supervision was tried and sent to the jury.

During the trial, Plaintiff and other 3 passengers of the car each testified against the truck driver, claiming he was reckless in

riding their bumper while flashing his high beams in the midst of a construction zone at night in pouring rain and heavy traffic. The 4 witnesses testified the driver acted with deliberate failure to use any caution and with conscious indifference to them or others on the roadway.

At closing, Plaintiff heavily relied upon reptile theories and asked the jury to send a message to truck drivers and companies. Catalano reversed the Reptile by reminding the jury that being accused does not create fault or negligence. Catalano asked the jury to recall the truth as testified under oath by Defendant truck driver, and argued the driver of the car cut-off the truck when an emergency caused by the driver of the car to make a sudden and improper lane change in the rain with a concrete wall to his left and heavy traffic to his right.

The jury returned after deliberating for less than 2 hours with a **UNANIMOUS VERDICT FOR THE DEFENSE** with no negligence by the driver, no vicarious negligence by the company, and no negligence against the company in its supervision of the driver.

## FEATURED ATTORNEYS:



**Janet Brooks Holmes**  
janetholmes1@mac.com



**Joseph Catalano**  
jcatalano@mckayfirm.com