

Automobile/Tractor Trailer Truck/Automobile Collision: Prior Collision Obstructing Interstate; Failure to Use High Beams at Night; Alleged Suicide Attempt Creating Collision

James Walker, Jr., et al. v. Reliance Insurance Company, Bobby Ray McMichael, Whitehead Truck Brokers, Inc., Consolidated Cargo Carriers, Inc. and John Marcantonio, III, Southern District, Savannah Division, United States District Court Civil Action File No: CV484-096, April, 1985.

Settlement of \$217,500 plus resolution of Navy lien in the amount of \$54,237.75 for personal injuries received arising out of a motor vehicle collision occurring in April of 1982.

Plaintiff, a member of the U. S. Navy, was returning from leave to his duty station in Jacksonville, Florida, traveling south on United States Interstate Highway 95 near Savannah, Georgia. At approximately 11:30 p.m., an uninsured automobile driver, who later told investigating police officers that he was attempting suicide, drove his vehicle directly into Defendants' tractor trailer unit, this collision occurring several miles to the front of Plaintiffs' vehicle, and out of Plaintiffs' range of vision. This initial collision caused the tractor trailer unit to jackknife across all southbound lanes of travel on the Interstate, resulting in a total obstruction for traffic. Shortly thereafter, Plaintiffs, with no prior warnings, came upon the tractor trailer unit and were unable to stop or otherwise avoid colliding with it.

Accident reconstruction experts for both sides conducted numerous tests, analyses and examinations of the incident, strenuously and violently disagreeing in their conclusions as to how and why the collision had occurred. It was strongly contended by Defendants that Plaintiffs' failure to use high headlight beams had materially contributed to their failure to observe the obstructing tractor trailer, and that the automobile driver's actions were the sole cause of the collision, while Plaintiffs alleged that the tractor trailer had contributed to the incident.

Although Plaintiff James Walker suffered several broken bones, the most significant permanent injury was the loss of one eye. His wife and child, who were passengers in his vehicle at the time, suffered a whip lash type injury and a fractured collar bone, respectively, which conditions had effectively resolved themselves by the time of settlement.

[ATLA and GTLA members William C. Lanham and Clark H. McGehee, Atlanta, Georgia, represented Plaintiffs]