

TRACTOR TRAILER/TRACTOR TRAILER COLLISION: NEGLIGENT U-TURN;  
FAILURE TO EXERCISE REASONABLE CARE; WRONGFUL DEATH

Mrs. Doris K. Styles, Individually and as Executrix of the Estate of Sidney R. Styles, Sr. v. Carolina Casualty Insurance Company and Raymond D. Condy,  
Northern District, Atlanta Division, United States District Court Civil Action  
File No: C84-2395A, January 21, 1986.

Settlement of \$250,000 for the death of a 63 year old truck driver arising out of the collision of two tractor trailer rigs during the evening hours of September 17, 1983.

The individual defendant, a motor common carrier, was driving his empty tractor trailer unit on a two lane road when he realized that he was going in the wrong direction. He pulled his unit off the road to the right and executed a U-turn across the roadway in order to begin traveling in the direction from whence he had come. At this time, plaintiff's decedent, driving a fully loaded tractor trailer unit to the rear of defendant, collided with the rear of defendant's trailer causing his rig to go off the road and resulting in his immediate death. The individual defendant, as well as an eye-witness, stated that plaintiff's decedent had not been in view when defendant began his turn, that there was more than a quarter mile of clear visibility available, and that plaintiff's decedent made no attempt to slow down or avoid the collision although there was plenty of room in which he could have done so. It was agreed that all of defendant's rig, with the exception of two to three feet, had cleared plaintiff's lane of travel and that had plaintiff taken any action to reduce his speed or swerve slightly to the right the collision could have been avoided.

Plaintiffs' reconstruction expert opined that plaintiff's decedent's attention would have been distracted by the headlights of defendant's tractor which were pointed directly back at him from the left side of the road and that such could have obscured the running lights on the side of defendant's trailer. It was further alleged that plaintiff's decedent was speeding at the time, and an unresolved issue was whether or not certified copies of seven speeding violations he had accumulated over the five years preceeding the collision would have been admissible as constituting evidence of a tendency, habit or custom to violate the speed limit.

The matter was settled approximately two weeks prior to its trial date.

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