

**TORTS: TRACTOR TRAILER/PICKUP TRUCK COLLISION; FAILURE TO YIELD  
RIGHT-OF-WAY; LAST CLEAR CHANCE DOCTRINE; FRACTURED AND  
DISLOCATED HIP: SETTLEMENT**

**Alesia J. Stone and Brian A. Stone vs. Keystone Freight Corp., a Pennsylvania Corporation,  
Reliance National Indemnity Company, a Wisconsin Corporation, and Willie Shelnutt**

**State Court of Fulton County Civil Action File No. 99-VS-158769B**

**Date of Settlement: July 18, 2000**

On the 14<sup>th</sup> day of July, 1999, at 6:00 a.m., Alesia J. Stone ("Stone") was driving a pickup truck in a westerly direction on Georgia Highway 34 East in Coweta County, Georgia. There is a point where this highway is intersected by a northbound ramp leading to U.S. Interstate Highway 85, and at this intersection, there are traffic lights for the control of traffic. As Stone approached this intersection, she contended that the traffic light for her direction was "green", and she proceeded into the intersection. At this time, Willie Shelnutt ("Shelnutt") was driving a tractor trailer vehicle on behalf of his employer, Keystone Freight Corp., in an easterly direction on Georgia Highway 34, and was attempting to turn left onto the ramp leading to the interstate highway. He stated that he had a green turn arrow as he entered the intersection, and had the right-of-way since his truck was already into the intersection and turning left when he struck the Stone vehicle. The impact was severe, as demonstrated by the fact that it took rescue officials almost 45 minutes to extract Stone from her truck. She was transferred by ambulance to a local hospital, where it was discovered that she had suffered a dislocated hip, a fracture of the hip socket, a fractured left forearm, and several undisplaced fractures in her right foot. Although she eventually made a good recovery, she was unable to return to her employment for over a year and incurred approximately \$140,000.00 in medical expenses and lost wages.

Shelnutt, who was not injured in the collision, immediately advised Stone, and later told the

investigating police, that Stone had “run a red light,” causing the collision. The sole eyewitness to this incident, a driver who had been behind the tractor trailer truck, initially advised the investigating police that the truck had turned on a green light. However, he subsequently admitted that his view of the traffic lights had been obscured by the tractor trailer truck. Accordingly, the police were not able to assess responsibility on the part of either driver and issued no citation for this incident.

Stone and her husband brought suit against Shelnutt and his employer, Keystone Freight Corp., for injuries and damages suffered in the collision. Keystone Freight Corp.’s insurer, Reliance National Indemnity Company, was also initially made a party Defendant pursuant to Georgia’s joinder statute, O.C.G.A. §46-7-12, permitting direct action against the liability insurance company of a motor common carrier when the applicable policy is on file with the Georgia Public Service Commission. However, it was later determined that the policy was not on file, and Reliance National Indemnity Company contended it should be dismissed as a party Defendant.

Although the collision had occurred in Coweta County, Georgia, suit was commenced in Fulton County, venue being founded on the fact that Keystone Freight Corp., a Pennsylvania Corporation, had established a registered agent for service in Fulton County. Venue was contested, however, as Keystone Freight Corp. contended that because its operations are exclusively interstate in nature, it was not required to obtain a Certificate of Authority from the Georgia Secretary of State because “effecting transactions in interstate or foreign commerce” is not considered “transacting business” in Georgia under provisions of O.C.G.A. §14-2-1501, and that venue was thus improper pursuant to Southern Drayage vs. Williams, 216 Ga. App. 721(3), 455 SE2d 418 (1995). Accordingly, Keystone Freight Corp. contended that the action must be transferred to Coweta County, a venue with more conservative jury verdicts than Fulton County.

The opposing parties each retained accident reconstruction experts who confirmed that speed

had not played a part in this incident, but who could not provide evidence as to the ultimate question of who violated the traffic light. Keystone Freight Corp. contended that even if Stone had a green light, she enjoyed a clear and unimpeded view of the large tractor trailer truck turning into her path and thus had the "last clear chance" to avoid the ensuing collision, but failed to do so.

After a full day of mediation, the matter was settled for the sum of \$650,000.00.

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