

PICKUP TRUCK/VAN COLLISION; CONTRIBUTORY NEGLIGENCE; WRONGFUL
DEATH: SETTLEMENT

Frank R. Ludwig vs. Revco Prescription Drug Centers, Inc.,
et. al.

U.S. District Court Civil Action File Nos. 1:97-CV-2071 and
1:97-CV-2393, settled September 4, 1997

Settlement on behalf of widower for his injuries and the death of his wife occasioned when their pickup truck, which had just turned onto the highway, was rear-ended by Defendants' van.

On the 1st day of September, 1995, at about 11:15 a.m., Frank R. Ludwig, age 65, was driving a pickup truck in which his wife, Allie M. Ludwig, was a front seat passenger, in an easterly direction on Georgia State Highway 38, in Pierce County, Georgia. He had just turned onto the four lane highway, and was in the process of accelerating to highway speed. At this time, Gregory A. Mitchell was driving a van on behalf of his employer, Revco Prescription Drug Centers, Inc., in an easterly direction on Georgia State Highway 38, approaching from the rear of the Ludwig vehicle. There was an automobile directly in front of Defendants' van, and it changed lanes in order to avoid Plaintiff's pickup truck, which was travelling slowly on the roadway after pulling out in front of this approaching vehicle. Defendant accordingly suddenly came upon Plaintiff's vehicle and could not change lanes, and the van rear-ended the pickup truck, causing it to overturn and come to rest in the middle of the roadway. Allie M. Ludwig died at the scene before emergency personnel arrived. Frank Ludwig was taken to a nearby hospital for treatment.

Allie M. Ludwig was 61 years of age at the time, had been unemployed for several years, and was in poor health. She and Frank had been married for less than five months prior to this incident. This was the second marriage for both parties. Allie M. Ludwig left six surviving, grown children from her previous marriage.

Frank Ludwig suffered a fractured clavicle and an injury to his right hand, as well as sustaining bruises and abrasions to his knees and arms. His medical and related expenses totalled approximately \$30,000.00. He was retired at the time of this incident, so incurred no lost income.

Suits were brought for the wrongful death of Allie M. Ludwig, and for Frank Ludwig individually, in connection with his own personal injuries and for the mental anguish and suffering he experienced on watching his wife die. Defendants contended that Plaintiff was, himself, contributorily negligent by pulling out on the highway directly in the path of approaching traffic travelling at highway speeds. After removing the two actions from State Court to the U.S. District Court, the matter was settled for \$700,000.00.

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