

## Driver killed instantly in head-on collision with dump truck - \$3,850,000 Settlement

By: Virginia Lawyers Weekly June 6, 2014

Decedent, a 40-year-old husband and father of three young children, was killed on impact when a dump truck collided head-on with his vehicle. The collision occurred in decedent's lane, and the decedent had no time to react. The defendant truck driver was experienced and passed alcohol and drug tests after the accident. Defendant claimed he drifted out of his lane when he checked his mirror, and then over-corrected, losing control. Plaintiff contended that he had fallen asleep.

The primary insurer eventually offered its limits of \$2,000,000. The umbrella insurer did not begin meaningful settlement discussions until suit was filed and discovery was propounded.

The mediator greatly assisted in helping the parties reach a mutually satisfactory agreement.

[14-T-076]

**Type of action:** Wrongful death

**Resolved by:** Mediation

**Mediator:** Johanna Fitzpatrick

**Date resolved:** Jan. 23, 2014

**Special damages:** Loss of earnings and household services – \$1,236,411; funeral expenses -\$10,768.50

**Demand:** \$6,950,000

**Offer:** \$2,500,000 (\$500,000 by umbrella liability insurer)

**Verdict or settlement:** Settlement

**Amount:** \$3,850,000

**Attorney for plaintiff:** Benjamin J. Trichilo, Fairfax

**Plaintiff's experts:** William E. Cobb, economist, Charleston, West Virginia

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