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## VERDICTS & SETTLEMENTS

October 26, 2010

### Semitruck rear-ends minivan at red light

Jacquelyn Gates, 59, was driving a minivan that was stopped at a red light when a semitrailer driven by Justin Wallace slammed into the back of the van, pushing it into the car ahead of it. Gates suffered fatal injuries. She is survived by her husband and mother. At the time of her death, she was earning about \$50,000 annually as a high school math teacher and department head.

Gates's 85-year-old mother, Mattie Rhenwick, was a passenger in the van. She suffered a fractured left leg and emotional distress from witnessing her daughter's death. Her past medical expenses totaled about \$163,500.

Christopher Bond, 16, another passenger in the van, suffered connective-tissue injuries and incurred medical expenses of about \$21,000.

Gates's husband, individually and on behalf of her estate, and Rhenwick and Bond, individually, sued Wallace, alleging he was negligent in failing to keep a proper lookout and in rear-ending the minivan.

Suit against Wallace's employer, Schneider National Carriers, alleged negligent hiring and retention and failure to adequately train and supervise Wallace and monitor his driving. The plaintiffs sought punitive damages, offering into evidence black-box data showing that in the eight months before the incident, Wallace had dozens of "panic stops"—instances in which he slammed on the truck's brakes, presumably to avoid a collision. The data also showed that Wallace had violated speed limits and hours-of-service rules and that the truck was on cruise control when it hit the minivan.

Before trial, the wrongful death case settled for \$5 million, and Bond settled for \$100,000.

The jury awarded about \$2.1 million to Rhenwick.

**Citation:** *Gates v. Schneider Natl. Carriers*, No. 45C01-0805-CT-00072 (Ind., Lake Co. Cir. Aug. 8, 2010).

**Plaintiff counsel:** AAJ members Kenneth J. Allen and Bryan L. Bradley, both of Valparaiso, Indiana.

**Plaintiff expert:** Anita Kerezman, trucking safety and compliance, Palm Springs, California.

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