

## Verdicts & Settlements

# Tractor-trailer crash case settles month before trial

*Plaintiff nearly lost arm in cross-over collision*

### \$800,000 settlement

A 40-year-old man who nearly lost his arm in a cross-over crash with a tractor-trailer settled his lawsuit against the big rig's owner.

The parties reached a settlement of \$800,000 a month before trial.

On July 1, 2003, Michael Smith of Southwest City, Mo., was driving the narrow and winding two-lane Highway 43 in

Benton County, Ark., about 10 miles south of the Missouri-Arkansas border, when his Ford Escort was side-swiped by a Mack tractor-trailer driven by Clifford Dozier for Simmons Foods.

According to information submitted by plaintiffs' lawyer Aaron W. Smith, the Arkansas Highway Patrol found that Michael Smith's Escort was struck by the dual wheels of the big rig as the two vehicles met each other on a curve, with the

trailer slightly left of the center line at the point of impact. It was also noted that there were several sets of skid marks present from other vehicles that had previously traveled the area.

The trailer entered the passenger's compartment of the Escort and sliced through Smith's left shoulder. The injury required him to undergo extensive surgery and rehabilitation. Smith was able to eventually return to work, but suffered permanent limitations to his range of motion.

### VERDICTS & SETTLEMENTS

**Tractor-trailer  
crash settles for  
\$800,000**

Aaron W. Smith

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The plaintiff originally claimed that the trailer had jackknifed, but defense testimony brought that into question due to the lack of yaw marks, or curved tire marks with lateral stripes or streaks that indicate a spin, on the road.

Administrative assistants for the plaintiff's and defense attorneys said the lawyers were not available for comment.

—Mike Nixon

### Facts of the Case

**Type of Action:** Personal injury

**Type of Injuries:** Severely injured shoulder

**Court/Case Number/Date:** Lawrence County Circuit Court/CV304-198CC/June 6, 2006

**Caption:** Michael Smith, et al. v. Simmons Foods, et al.

**Judge, Jury or ADR:** Mediation

**Name of Mediator:** James Newberry

**Verdict or Settlement:** \$800,000 settlement

**Special Damages:** \$98,358 medical, \$35,000 lost wages

**Allocation of Fault:** N/A

**Last Demand:** N/A

**Last Offer:** N/A

**Attorney for Plaintiff:** Aaron W. Smith, The Hershewe Law Firm PC, Joplin, Mo.

**Attorney for Defense:** Todd Lewis, Conner & Winters, Fayetteville, Ark.

**Insurance Carrier:** Fireman's Fund

**Plaintiffs' Expert:** Bruno Schmidt (accident reconstruction) Springfield, Mo.

**Defendants' Expert:** J. Larry Williams (accident reconstruction) Jonesboro, Ark.



Smith



The trailer of a big rig entered the passenger compartment of plaintiff Michael Smith's car, above, slicing through Smith's left shoulder.