



The Voice

And The Defense Wins

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DRI members [Melissa Thompson Richardson](#) and [Vanna Rae Milligan](#) of **Walters Meadows Richardson PLLC** received a defense verdict on liability following an automobile accident.

On February 2, 2012, Plaintiff was a passenger in a vehicle travelling on Hwy 80 in Perry Co., Kentucky. The driver of his vehicle, Duane Stidham, was third-partied in by Mrs. Richardson's client and then Plaintiff subsequently filed an amended complaint that included a claim for negligence against Mr. Stidham. He then filed a claim against Mrs. Richardson's client, Linda Moore, who was driving a school bus with eight students on it at the time of the accident.

Ms. Moore was pulling out of a small country road across Hwy 80, in an area where that roadway is four lanes and a median. Ms. Moore saw a loaded, 18-wheel coal truck coming up a long, straight hill, going approximately 25–30 mph. The coal truck driver agreed with this. Ms. Moore said the coal truck was near the mile-marker when she pulled out. The coal truck driver disagreed with this—he estimated that he was anywhere from two to three car lengths from her to 300 feet away at the time she pulled out. Plaintiff's accident reconstructionist ultimately admitted that the mile marker was more than 600 feet away. He also said he believed that the coal truck and the Duane Stidham truck were about 350 feet away when Duane Stidham first saw the bus.

Duane Stidham and Plaintiff, Travis Slone, both said they saw the bus. Plaintiff told Duane to “watch it,” which Duane said he did do, and then he sped up. He was originally going 60 MPH, and his EDR in the pickup recorded that fiveseconds before the accident he was going 70; he continued to go 70 until 2.4 seconds before impact. He ultimately slowed to 35 just before impact. The accident reconstructionist admitted that Plaintiff could have stopped if he was going 60 mph and that the accident would not have happened if he had been going 55 mph. He was impeached multiple times.

Plaintiff's counsel also developed a new theory in the weeks leading up to the trial that Mrs. Richardson was unaware of until his examination—it was the theory that the speedometer in the driver's truck was off as the tires had been changed on the truck. This accounted for a 10–12 mph increase on the speedometer, such that when the ERD says he was going 70, he was really going 58–60. That theory was debunked in multiple ways, not the least of which was by using the accident reconstructionist's own testimony that at 60 mph, driver Mr. Stidham could have stopped.

Plaintiff sustained a broken femur, broken wrist, and a head wound. He had three surgeries on his leg and one wrist surgery. Despite these surgeries and the installation of hardware, he had a good recovery per his surgeon. Plaintiff was not wearing his seatbelt. Driver was and sustained no injuries, though he claimed he hit the windshield. The proof indicated he actually hit the airbag. Plaintiff, claimed that his failure to wear a seatbelt would not have mattered because the driver also hit the windshield. He originally claimed a brain injury. Right before trial, that claim was formally and voluntarily dismissed by Plaintiff.

The trial spanned three weeks. Plaintiff requested \$50 million. The jury was out for about one and a half hours and returned a defense verdict on liability.

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