

\$32.5M Settlement Reached After Deadly Trucking Collision

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Litigation Reporter

Litigators from Mabra Law in Atlanta and Peak Wooten McDaniel & Colwell in Columbus teamed to secure a \$32.5 million wrongful-death settlement for the family of a Mitchell County man killed during a collision with a tractor-trailer.

The trio credit the eight-figure pre-trial resolution in the disputed liability case to plaintiff counsel's ability to prove defective trailer lights and noncompliant retroreflective tape contributed to the fatal 2021 crash.

'Vigorously Contested Liability'

At the time of the early morning collision, plaintiff counsel said Christopher Crump had been driving to work in Camilla when his vehicle collided with a tractor-trailer departing

from a food- processing plant. According to plaintiff counsel, Dawson-based G.R.E.L. Trucking LLC employee Omar Stephens' failure to yield before making the left turn "caused a deadly underride collision that killed Mr. Crump."

On behalf of Crump's widow, Shakayla, and the couple's four daughters, plaintiff counsel filed a wrongful-death complaint in Gwinnett County State Court in January 2022. In addition to Stephens and G.R.E.L. Trucking, the plaintiff complaint named Progressive Mountain Insurance Co., Ace American Insurance Co. and Tyson Foods Inc. and Tyson Farms Inc. as defendants, per online court records. The public court record identified litigators with Chambless Higdon Richardson Katz & Griggs, Nall and Miller and Webb Daniel Friedlander as counsel on file for the defendants.

According to a statement by plaintiff counsel, defense counsel sought summary judgment, but Judge Ronda S. Colvin denied the motion.

"The defense vigorously contested liability throughout the case, blaming the decedent for failing to see and avoid the tractor-trailer," read the plaintiff counsel's statement. With liability disputed, Peak told the Daily Report that defense counsel proffered "very few" offers of settlement prior to the matter heading to court-ordered mediation.

But it's what plaintiff counsel uncovered during discovery that they credit for tipping resolution odds in their client's favor.

'Invisible Roadway Hazard'

Prior to Colvin issuing the mediation order in October, plaintiff counsel obtained evidence supporting their allegation that the defendants had "negligently caused the fatal collision." On top of learning that the tractor trailer operated by G.R.E.L. Trucking "had not undergone a required annual inspection in almost two years," plaintiff counsel said they learned the vehicle had a defective coiled "pigtail" hose, which supplies power from the tractor to the trailer when operational. Because the pigtail's wiring had been "exposed and in such poor condition that it failed to provide power to the trailer," plaintiff counsel said, "none of the trailer's lights worked when the collision occurred."

The trio said it further established the defendants' liability for the fatal collision by proving that the retroreflective tape on the side of the trailer, which was owned by a food processing company, was damaged, worn and peeling, and failed to comply with Federal Motor Carrier Safety Regulations' requirements."

"We hired the best experts available in their fields to inspect the equipment and offer opinions about how this wreck could and should have been prevented. This included a nationally recognized conspicuity expert who offered testimony about how underride collisions like the one that killed Mr. Crump had dramatically decreased since trucking companies were required to add retroreflective tape to the side of trailers. This reinforced how having good, compliant retroreflective tape prevents underride collisions," Peak said.

“We also utilized testing which demonstrated how difficult it was to see the trailer without functioning lights and compliant retroreflective tape. We believe this would have assisted jurors in seeing for themselves why this wreck happened.”

Plaintiff counsel contended the negligent “combination rendered the tractor-trailer a highly dangerous, invisible roadway hazard” that Crump had been unable to see nor avoid.

‘We Wanted to Try This Case’

With substantive pre-trial motions already resolved by Colvin, Peak said plaintiff counsel had been prepared to take the case to trial, but didn’t get the chance. Instead, the trio reached a \$32.5 million settlement with defense counsel as both parties awaited a trial date following mediation.

For Peak, the resolution felt “bittersweet.” “We are, of course, happy for our client and her family, but we wanted to try this case,” Peak said. “We did the hard work and spent the time and money necessary to fully prepare this case to be tried before a jury.”

Nearly a month after Colvin entered an order approving the settlement on Jan. 9, the trial judge entered an order dismissing the matter with prejudice on Feb. 8.

“While our team welcomed the opportunity to try this case, we are told this is the largest pre-trial settlement for a single wrongful-death case in Georgia history,” read plaintiff counsel’s statement. “We are proud to have secured this result for our client and her children. We uncovered some bad conduct in this case and were able to put a stop to it so other families won’t have to go through what the Crump family has been through.”

What You Need to Know

- Litigators reach \$32.5 million disputed liability wrongful-death settlement following trucking collision.
- Plaintiff counsel credit the eight-figure pre-trial resolution to discovery of defective trailer lights and noncompliant retroreflective tape.
- Settlement reached before dispute docketed for trial before Gwinnett County State Court jurors.

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