

MISSOURI LAWYERS WEEKLY

Man Killed At truck Stop

18-Wheeler Ran him Over



Morry S. Cole

\$2.45 Million Verdict

The wife, parents and seven children — ages 17 to 37 — of Paul Bradshaw sued Bigbee Transportation, Inc. after he was run over and killed by a tractor-trailer.

Bradshaw, 57, was a truck driver based in Logan, Utah. In June 1998 he took his son Chad, 13, with him on a cross-country trip. They arrived at the Flying J Travel Plaza in Sullivan, Mo., on June 12, one of several stops they had made since leaving Utah.

The following day, before starting out on the next leg of the trip, Bradshaw went out to his truck to get his coffee thermos. While walking back to the travel plaza, Bradshaw was struck and killed by an 18-wheeler driven by W.D. Taylor, a Bigbee employee. The parking lot was not busy at the time and Bradshaw was in plain view — the plaintiffs claimed Taylor simply never saw him.

The plaintiffs presented evidence that Bradshaw provided substantial services at home, including carpentry, plumbing,

mechanic work, cooking and care of the children.

Bigbee and Taylor argued that Bradshaw was an experienced truck driver and should have known that visibility was restricted from the cab of the 18-wheeler, and that Bradshaw should have seen the truck approaching and taken evasive action.

The jury found in favor of the plaintiffs and assessed damages at \$3.5 million. After allocation of 30 percent fault to Bradshaw, a judgment was entered for \$2.45 million.

Facts of The Case

Type of Action: Truck-pedestrian accident

Type of Injuries: Death

Court/Case Number/Date: U.S. District Court, E.D.Mo./4:01CV00610 DJS/Nov. 21, 2002

Caption: Bradshaw v. Bigbee Transportation, Inc., et al.

Judge, Jury or ADR: Jury

Name of Judge: Donald J. Stohr

Verdict or Settlement: \$2.45 million verdict after allocation of fault

Special Damages: \$307,000 to \$400,000 lost wages

Allocation of Fault: 70 percent to defendants,

30 percent to plaintiff

Last Offer: \$600,000

Last Demand: \$3.8 million

Attorneys for Plaintiffs: Morry S. Cole, Gray Ritter & Graham, St. Louis

Insurance Carrier: Travelers Insurance Co.

Plaintiff's Experts: Thomas Green, Chicago, Ill. (accident reconstructionist); Dr. Muhammad Islam, Sullivan (emergency medicine); Robert "Jay" Marsh, Little Rock, Ark. (economist)

Defendant's Experts: James W. Hall, Belleville, Ill. (accident reconstructionist)