

DRI Members Share Their Victories

January 2024, Graves County, KY *Shipp & Heath v. Arrowhead Camper Sales Inc*

DRI member **Melissa Richardson** obtained a unanimous defense verdict on liability for her client, Arrowhead Camper Sales, Inc. This case involved a motor vehicle accident that occurred on October 13, 2017, in Graves County, Kentucky, related to an alleged sight-line obstruction due to campers/RVs parked in Arrowhead's parking lot. The Plaintiffs were a 16-year-old woman and her grandmother, who were traveling back to the grandmother's home when they attempted to navigate the subject intersection. Video surveillance showed the 16-year-old driver "rolled" through the intersection despite the presence of a stop sign and red flashing lights. Their vehicle was struck by a drunk driver, who had a BAC level three times the legal limit. The responding officer claimed the campers/RVs in Arrowhead's parking lot created a sight obstruction at the stop bar and took photographs of the alleged obstruction. Further, after the officer obtained the video of the "rolling stop" he continued to claim the obstruction caused the accident.

The Plaintiffs were both airlifted to Vanderbilt Medical Center, with the younger Plaintiff having sustained life-threatening injuries. The 16-year-old driver suffered a pelvic fracture, seven broken ribs, orbital fractures, spleen, kidney, and live lacerations, traumatic brain injury, and had an embolization procedure due to internal bleeding to save her life. She was hospitalized at Vanderbilt for a month and then transferred to Frazier Rehab in Louisville for inpatient rehab for another month before returning home. The grandmother was hospitalized at Vanderbilt for five days for injuries including: spleen laceration, five fracture ribs, and a shoulder injury that eventually led to shoulder surgery. The 16-year-old had medical expenses of approximately \$700,000 and the grandmother had medical expenses of over \$215,000.

The Plaintiffs alleged Arrowhead violated KRS 177.106 (encroachment onto the state right-of-way) and general negligence. As discovery proceeded in the case, the Plaintiffs put forth fact witnesses claiming the intersection had been dangerous for 20+ years because of the campers. However, no one from the community or any state officials told Arrowhead's owners or employees the campers were creating an obstruction at the intersection at any time. The witnesses claimed they would come to the stop sign, look, and then proceed a little further past the stop sign to gain a clear view down the highway if needed. The owner of Arrowhead testified he had probably driven through the intersection 45,000 times since 1977 and the campers never caused any visibility issue. He testified if they did create an obstruction for his, his family, or the community, he would have moved them.

The drunk driver testified at trial; he confirmed he saw the Plaintiffs' vehicle approaching

the stop sign and presumed she would stop as she did slow down. He contended the accident would not have happened if she had simply stopped.

Arrowhead hired Heath Spivey of Delta V Engineering to recreate the accident scene. Mr. Spivey's reconstruction showed the driver had a sightline of 351 feet down the highway at the stop bar and a completely, unobstructed view of the highway of over 1,000 feet three feet ahead of the stop bar. At the time of trial, the Plaintiffs were seeking over \$17 million.

After a two-week trial, the jury deliberated for an hour before returning a unanimous defense verdict in favor of Arrowhead on all counts.
