

And The Defense Wins

Melissa Richardson and David Noble



DRI members [Melissa Richardson](#) and [David Noble](#) of **Walters Richardson, PLLC** in Lexington, KY, successfully obtained a unanimous defense verdict on liability

on behalf of their clients, Bowling Trucking and the Estate of Charles Turner, in Powell Circuit Court. Mr. Turner was driving down the Mountain Parkway when he entered a significant fog area. This fog was exacerbated by smoke from area wildfires. There was a warning sign at the top of the Mountain advising drivers of the potential for reduced visibility. Mr. Turner slowed as a result. He was driving his loaded coal truck down the mountain at approximately 15-20 mph when he came upon two vehicles that were stopped in the roadway ahead of him. The physical evidence shows that he made a hard braking maneuver and started to veer to the left to avoid these vehicles. While in the process of responding to these vehicles, Mr. Turner was rear-ended by three vehicles. The first vehicle to impact Mr. Turner's coal truck struck it so hard that the back of the trailer came open and coal started pouring onto the vehicle and the roadway. The lone plaintiff who proceeded to trial was driving the vehicle that first impacted Mr. Turner's coal truck. He alleged he was being careful and that, but for Mr. Turner stopping in the roadway, he would not have been injured. Evidence showed that the Plaintiff was going 55 mph at the time of impact and 70 mph just two seconds before impact. Despite a significant crash, Plaintiff had relatively minor injuries. Nevertheless, he asked the jury for more than one million dollars in damages to compensate him for his pain and suffering. Video footage of the road conditions was secured during the course of the litigation from a first-responder who had a dash camera. The jurors were able to see that the conditions on the roadway became progressively worse, which was echoed by the testimony of nearly all fact witnesses. As a result, the jury determined Mr. Turner had not acted improperly as alleged by Plaintiff.