

# VERDICTS SETTLEMENTS

## Account Reached for Injuries to

### PennDOT Maintenance Crew

*Prinz v. Bruce R. Smith Trucking Co.*

### \$1.75 Million Settlement

Date of Settlement: April 17, 2007.

Court and Case No.: E.D. Pa., No. 05-3059.

Judge: Barclay Surrick.

Type of Action: Motor vehicle accident.

Injuries:

Charles Prinz III alleged, among other injuries, multiple fractures to the back and ribs. Curtis Olsen alleged, among other injuries, anemia and lumbar strain.

Plaintiff's Attorney:

Richard M. Jurewicz, Galfand Berger, Philadelphia.

Plaintiff's Experts:

Scott Rosenthal, M.D., Abington, Pa., chronic pain; T. Scott Jackson, M.D., Brownstown, Pa., family medicine; John Gasparlo, M.D., Lancaster, neurosurgery; Raymond Peart, M.D., Lancaster, orthopedic surgery; Albert Beatty Jr., M.D., Merion Station, Pa., thoracic surgery; and Paul Paxton, Pensacola, Fla., commercial vehicles.

Defense Counsel:

Walter S. Jenkins, Wilson Elser Moskowitz Edelman & Dicker, Philadelphia.

Defense Experts:

Elizabeth Genovese, M.D., Bala Cynwyd, Pa., surgery; and John Perry, M.D., Lritz, Pa., orthopedic surgery.

Comment:

Prinz, 40, and Olsen, 54, were maintenance workers employed by the Pennsylvania Turnpike Commission, whose duties included roadway maintenance for the turnpike in the Reading and Lancaster areas. On March 16, 2004, both men were assigned to assist disabled or stranded motorists.

During the course of the day, during which there was freezing rain, they came upon a stranded motorist traveling eastbound. After pulling up behind the vehicle and speaking with the motorist, Olsen stayed with the driver while Prinz returned to their truck to call for a tow truck.

At that time, Maxwell Carter, who was driving a tractor-trailer in the course and scope of his employment with Bruce R. Smith Trucking Co. of Mississauga, Ontario, Canada, was heading east in the left lane. He drove over a patch of black ice, lost control and struck the concrete median divider, which caused him to cross both lanes and jackknife, the tractor striking the Pennsylvania Turnpike truck with Prinz sitting inside on the passenger side.

Debris from the impact struck Olsen, who was standing 15 feet away from the accident.

Prinz and Olsen sued Carter and Bruce R. Smith Trucking, claiming that Carter was negligent. They argued that Carter was driving too fast, 55 mph, for the icy conditions at the time of the accident, and that, regardless of the road conditions, he failed to maintain control of his tractor-trailer.

Through a written report, Paul Paxton, plaintiff's commercial vehicle operator expert, wrote that the trucking company failed to follow Federal Motor Carrier

Safety regulations by failing to provide Carter, who had been driving for Bruce R. Smith for less than a year as an independent contractor but had prior driving experience, with proper training and orientation for new drivers. Paxton also testified that the company failed to require its commercial drivers to exercise extreme care while driving during inclement weather.

The defendants initially denied liability, contending that the truck that Prinz was in was located around a sharp curve in the roadway and was not visible to oncoming

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