

Employee Injured Due to Combination of Rain, Speed, and Unscreened Driver

Staff Leasing Company Found Liable for Employee's Injuries

In April 1998, Pedro Torres had been living in the United States less than one month. He had quickly gotten a job as a blueberry picker in Okeechobee, Fla. On the afternoon of April 30, 1998, it was raining and the pickers were therefore sent home early. Mr. Torres was riding in the front seat of a car driven by a co-worker.

As they pulled out from a side street, they were struck by a semi-truck owned by Padgett Trucking & Sod Farms. The driver of the truck, Arturo Guerrero, was a temporary worker for a company called Staff Leasing, Inc.

According to eyewitnesses, the truck driver was speeding along at 60 miles per hour in a 55 mile per hour zone. The Commercial Driver's License Manual states that in rainy conditions a truck driver should slow his speed by a third, which in this case should have been about 35 mph. Furthermore, Mr. Guerrero had a long history of poor driving, and Staff Leasing had done no background check before hiring him. If they had, the plaintiff contended, Staff Leasing would never have allowed Mr. Guerrero to drive.

Following the accident, Mr. Torres was air-lifted to St. Mary's Hospital in West Palm Beach. He stayed in a coma for several months and suffered fractures to his arm and his leg. Mr. Torres also suffered multiple internal injuries.

This case was referred to attorney Sean Domnick from The Accident Law Offices of Philip DeBerard in Okeechobee and Stuart. The driver of the car in which Mr. Torres was riding, who was significantly at fault in this accident, had no insurance. There have been very few, if any, cases holding employee leasing companies, such as Staff Leasing, liable under these circumstances. Nevertheless, Mr. Domnick was able to reach a settlement for \$1 million with Padgett Trucking and Sod Farms, and \$1.05 million with Staff Leasing. Mr. Torres will use the \$2.05 million to pay for his future needs, as well as enjoy financial stability for the remainder of his life. ■

