

# Billy Hungerford: A Profile In Courage

## HUNGERFORD vs. RAWLS & ASSOCIATES

Seventeen year-old Billy Hungerford was returning from a morning outing at the beach. A few miles from home, his car drifted off the road and struck a guardrail. Had the guardrail been properly designed and installed, Billy would have suffered a badly dented right front fender, a good scare, and some minor bumps and bruises. Gross defects in the guardrail turned what should have been one bad dream into a lifelong nightmare.

The guardrail served to separate a pedestrian/ bicycle path from the main roadway. In an apparent effort to provide a deflector for bicycle tires

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## **Hungerford...**

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that might strike the inside guardrail support beams, a galvanized pipe was affixed to the top of those beams running parallel to and a couple of feet above the ground. The pipe ended a few feet before the properly buffered end of the rail. As Billy's car struck the rail end, the guardrail yielded to the force of impact and deflected the car exactly as it was designed to do. The pipe, however, did not deflect away.

The metal tipped end of the pipe broke through the car's radiator, passed the engine block, through the firewall and into the passenger compartment. When paramedics arrived, they found Billy fully conscious and pinned behind the steering wheel -- the pipe piercing completely through his body, the seat back, the rear seat and out the trunk. He was transported to the hospital with a section of pipe still through his abdomen and out his back.

Despite severe damage to almost every major organ in his lower abdomen, Billy Hungerford miraculously survived. Although he is unable to ingest foods by mouth and is required to sustain himself indefinitely through an intra-abdominal feeding system, Billy is back at school and doing a remarkable job of trying to return to a normal lifestyle. His valiant recuperative effort in the face of terrible future medical uncertainties is truly a profile in courage.

Searcy Denney Scarola Barnhart & Shipley, P.A. attorneys, Jack Scarola and David Sales, assisted by West Palm Beach lawyer, Marnie Poncy, have been privileged to play a small role in helping Billy Hungerford. Within weeks of the firm's retention, the guardrail installer was identified, a nationally recognized expert was retained, and theories of liability were investigated and supported. The swift investigative action primarily on the part of paralegal, Emilio Diamantis, led to a large policy limits settlement on behalf of the installer which will assist with Billy's immediate medical needs. It leaves the door open for further recovery from both Palm Beach County and the State Department of Transportation for their roles in designing and approving the dangerous rail configuration.