

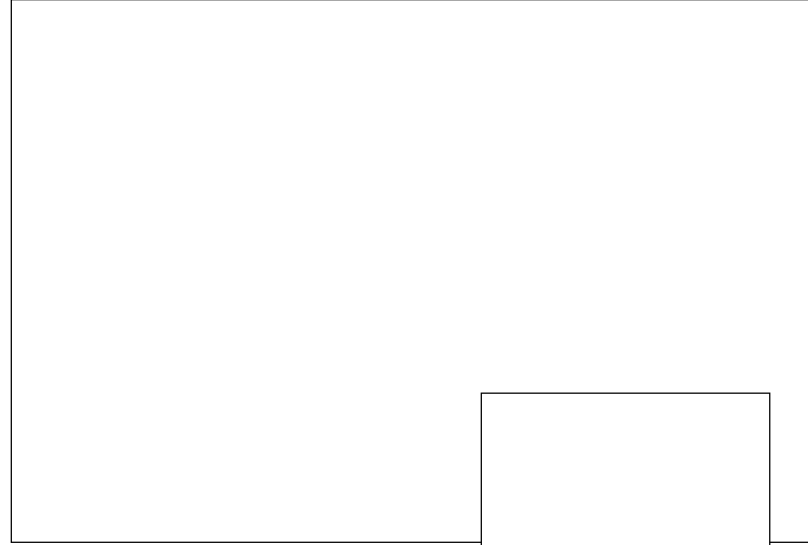
# State Trooper Injured by Reckless Truck Driver

**O**n a rainy morning in July 2003, Florida Highway Patrolman James Bond had pulled over a speeding motorist on I-95. As he sat completing paperwork in his cruiser, he was struck by a tractor trailer, the driver of which had lost control on the wet roadway and jackknifed.

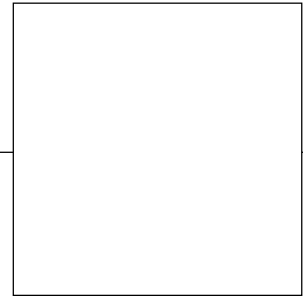
Trooper Bond was badly injured in the crash and therefore sought legal representation from attorneys Chris Searcy and Harry Shevin. Mr. Shevin immediately sought to have the tractor and trailer impounded. An inspection of the truck revealed that it had bald tires and ineffective brakes, findings also discovered independently by inspectors for the Department of Transportation. Under federal regulations pertaining to large commercial vehicles, the truck should have been labeled an “out of service” vehicle and parked for repairs. (The phrase “out of service” is utilized when a defect is “likely to cause a crash.”) Nevertheless, the trucker ignored those conditions and chose instead to operate the vehicle at highway speed on wet pavement.

In addition to inspecting the brakes and tires, data was retrieved from the truck’s “black box,” revealing that the driver had been traveling at 80 m.p.h. for roughly 1,000 of its 50,000 total miles. In fact, the truck’s governor had been set at 80, well in excess of speed limits throughout Florida. These facts suggested that the trucking company had clearly ignored issues pertaining to the safe operation of this vehicle, leading the SDSBS firm to delve even deeper into the trucking company’s safety record.

Suit was filed against Dunkin’ Donuts Southeast Transportation and various other entities hired and controlled by Dunkin’ Donuts to haul donut supplies. Once in suit, discovery revealed that the truck driver had previously been fired by the same trucking company for his involvement in three prior, preventable crashes, but that he had been rehired nevertheless. Furthermore, an analysis of the trucker’s logs suggested that he had driven the semi in excess of the amount of time permitted under government regulations, and that he had falsified his logs to conceal that fact. Reluctantly, the truck driver eventually admitted under oath that he had shown a reckless disregard for human life by driving in the rain with bad tires and brakes, and that he had not been wearing his prescription eyeglasses when the crash occurred.



***Trooper Bond's damaged patrol car and (inset right) the bald tires of the tractor trailer.***



Discovery in this case suggested that Dunkin’ Donuts made conscious decisions to forego certain safety procedures in order to increase the productivity of the trucks it utilized. In light of the company’s willingness to put profits ahead of safety, the SDSBS firm amended its complaint to add a count for punitive damages. Although it is typically very difficult to meet the burden necessary to prosecute a defendant for punitive damages, the trial judge in this case ruled that it was an element of damage that should be contemplated by the jury. That decision clearly put pressure on the defendants to resolve this case before trial.

Trooper Bond injured three levels of his lumbar spine in this crash, and broke a bone in his face that required surgery. His spinal injuries kept him out of work for quite some time, though he eventually returned, first on light duty and then full-time. Doctors indicated that his lumbar injuries were significant, but that surgery would not likely improve his condition. Trooper Bond would have to live with his back pain, as well as ongoing headaches requiring the administration of anti-seizure medications.

On the eve of trial, this case was settled with all defendants for \$850,000. The proceeds from the settlement will assist Trooper Bond greatly, as he is no longer able to tolerate the demands of his position with the Florida Highway Patrol. He anticipates taking a medical retirement in the near future, and will then seek a form of employment less physically demanding. And though the case was successfully resolved, Mr. Shevin laments the fact that a dedicated public servant can no longer protect the public due to the greed and recklessness of the corporate entities involved in this case. ■

**\$850,000  
Settlement:  
TRUCKING  
ACCIDENT CAUSES  
SIGNIFICANT  
INJURIES**