

YOUNG MOTHER KILLED IN CRASH CAUSED BY DRIVER DISTRACTED BY CELL PHONE CALL

Errant driver had made cell call to her husband at time of crash

On the morning of November 19, 2004, Lesley Beers was on her way to work. The 32-year-old Parkland, Florida mother of two drove her Honda Accord south on the Sawgrass Expressway in Broward County, Florida. Ahead of her, the early morning rush-hour traffic began to slow down, and she slowed down as well. On the highway behind Lesley was Sheila Hulick, also on her way to work, driving a Ford Taurus owned by her husband's employer, Reynolds & Reynolds. Evidence later showed that Hulick had placed a call on her cell phone to her husband at 8:05 a.m., the moment Hulick's car slammed into the rear-end of Lesley's car with enough force to send the Honda careening across the median and into northbound traffic, where it slammed head-on into an SUV and then struck another car. Lesley died at the scene as a result of her injuries.

Lesley Beers' small family was thrown into crisis. Her husband, Stephen, a stay-at-home dad, had lost not only the family breadwinner, but his loving soul-mate, the person who had turned his difficult early life into a nurturing, happy world. Their son, Zachary, age three at the time of the accident, began suffering from an obsessive worry that his father would also disappear.

Zachary's sister, 17-month-old Olivia, was so traumatized by the loss of her mother that she stopped talking for three months. Stephen suffered chronic nightmares, and the whole family sought therapy to ease their pain.

The family asked SDSBS attorneys Chris Searcy and Jack Scarola to file a wrongful death suit against Hulick and the corporation that owned the car. This would be the first time, in 30 years of practice together, that the attorneys would try a case to conclusion as a team. They were also joined by firm member Bill King. The suit filed on behalf of the family sought compensation for the loss of Lesley's wages, medical and funeral expenses, the loss of her support and services, and the pain and suffering inflicted on the family. The defendants declined the opportunity to settle the case for roughly \$12 million and the case went to trial.

During the almost two-week trial, attorneys for Hulick and the company argued that, although Hulick had acknowledged the rear-end collision with Lesley Beers' car, that collision was not the cause of Lesley's death. Rather,



Stephen and Lesley Beers

they contended that, following the minor rear-end crash, Lesley had mistakenly hit the accelerator instead of the brake, and that Lesley's own alleged driving error to-

gether with the failure of the driver of the SUV to take proper evasive action were the causes of the head-on impact with Lesley's car. Further, despite records of the call, Hulick denied she was talking on her cell phone at the time of the accident, and Hulick's attorney argued that the cell phone call did not distract Hulick from her driving responsibilities. In closing arguments, Jack Scarola responded that what distracted Hulick was not the issue. "It doesn't matter if she was checking her makeup in the mirror or trying to find her favorite radio station, fumbling in her purse for a piece of paper or dialing her cell phone and trying to reach her husband," he said. "Her failure to pay attention sentenced Lesley Beers to her death, and sentenced Stephen and Zachary and Olivia to live every day of the rest of their lives with a jagged, gaping hole in their hearts."

After less than two hours of deliberation, the jury rejected the defense efforts to place the blame for Lesley's death on others and found in favor of Stephen, Olivia, and Zachary Beers. They awarded the family \$21.6 million. Because the earlier settlement offer had been turned down, Florida law will permit the Beerses to transfer responsibility to the defendants for payment of a substantial portion of the Beerses' attorney fees and court costs.

"This tragic death of a young mother of two small children was preventable," said Mr. Searcy. "It is a horrible example of the dangers of using a cell phone while driving." ■

**\$21.6 Million
Verdict
WRONGFUL DEATH**