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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.

Omitting clients' names and/or defendants' names are the result of requests for anonymity.

Ignoring Precautions Results In Fatal Crash Moments After Safety Meeting

Megan Hudson was a 17-year-old student at North Marion High School in Ocala. On March 12, 2001, Megan was an unbelted passenger in a vehicle driven by her boyfriend, Albert, traveling southbound on four-lane U. S. Highway 441 near Belleview. Also traveling southbound, on the inside lane, was a large van directly in front of Albert's vehicle, blocking his view of the roadway ahead.

As both vehicles neared the entrance to the Spruce Creek Communities (a development of Del Webb Corporation), a slow-moving Caterpillar front-end loader was also driving southbound on Hwy. 441 hauling a concrete drainage culvert toward another location on Spruce Creek properties. The loader had no flashing lights, no 'slow-moving vehicle' sign, and no trailing vehicle to provide warning of the traffic barrier that had been created.

As the van, with Albert's vehicle following, abruptly came upon the slow-moving loader, the driver of the van swerved to go around the loader. Albert had no opportunity to stop or to swerve, and his car crashed into the rear of the loader. Albert was seriously injured. His young girlfriend, Megan, was killed.

The loader operator and his supervisor had made a deliberate decision to transport the concrete culvert via busy Hwy. 441 instead of simply

transporting the load within Spruce Creek properties. Under oath, the driver testified:

Q: *If you had to make the decision yourself about whether or not to drive that front-end loader onto Hwy. 441 in order to go south, you wouldn't have done it, would you?*

A: *Well, I wouldn't have wanted to.*

Q: *You wouldn't have wanted to because it was unsafe to drive that big vehicle on Hwy. 441, wasn't it?*

A: *Yes, sir.*

Particularly interesting is that moments before this crash, the loader operator and his supervisor attended a company safety

meeting. Immediately following the safety meeting, the supervisor drove his pickup truck leading the loader onto Hwy. 441. Experts agreed that the pickup truck should have trailed the loader with flashing lights warning traffic of the slow-moving

Caterpillar traveling the busy highway.

Megan is survived by her father, Frank Mazzitelle, and her mother, Karen Hudson, who are both devastated by the loss of their daughter. Searcy Denney Scarola Barnhart & Shipley attorney Earl Denney successfully brought this case to a mediation settlement of \$1,110,000. ■

