

\$1.3 Million Verdict:

FAILURE TO MAINTAIN SAFE ROAD CONDITIONS RESULTS IN \$1.3 MILLION VERDICT AGAINST FDOT

Lack of Road Maintenance and Safety Procedures Results in Deadly Crash

August 12, 2000, was a typical summer day in Jacksonville, Florida. A heavy rainstorm had dumped a large amount of water on the northeast part of the state. At the east end of the Hart Bridge Expressway in Jacksonville, the accumulation of rain created a huge, shallow lake – 281 feet long and one foot deep. The monster puddle covered the entire left through-lane. A car belonging to WTLV-TV (Multimedia Holdings), driven by a Mr. Doug Lockwood, came east-bound over the bridge and directly into the water. The car skidded out of control and slammed into the retaining wall. Another vehicle, driven by a Ms. Shana Williams, came over the bridge right behind Mr. Lockwood's vehicle and it, too, hit the water, skidded, and slammed into the retaining wall. Both drivers pulled their cars over to a stripe-marked area on the roadway, to the right of the through-lanes and near the Atlantic Avenue exit of the Hart Bridge.

The Jacksonville Sheriff's Office responded to the two accidents. As the deputy talked with Lockwood and Williams, a third vehicle, driven by Mr. Jason Keiffer, came over the bridge. Like the first two vehicles, Mr. Keiffer's car hit the lake and skidded out of control, still in the through-lane.

Behind Mr. Keiffer's vehicle was a large gasoline tanker-truck driven by Christian Darby Stephenson, coming over the Hart Bridge directly towards the lake

and the accident scenes spread before him. The truck driver, a 29-year-old married father with a young daughter and a son on the way, immediately realized that he had three very hard choices to make as his truck came toward the scene: he could continue straight ahead in the through-lane and plow over Mr. Keiffer's vehicle; he could avoid Mr. Keiffer by moving toward the area where Lockwood, Williams and the Sheriff's deputy waited with their vehicles; or he could try to make a hard right onto the Atlantic Avenue exit, avoiding the other vehicles but placing himself in great danger. Christian Stephenson heroically chose option three. Tragically, in attempting the tight turn, the tanker jackknifed, struck the guard rail, overturned and exploded, killing Christian. He is survived by his wife Amie, and their two children, Hailey and Christian, Jr.

In the aftermath of the accident, Amie brought a wrongful death action against the Florida Department of Transportation (FDOT) for its failure to maintain the road at the accident site so that rain water would have drained properly, for its failure to warn drivers of the dangerous condition, and for its failure to remedy the dangerous condition. The Stephenson family was represented by attorneys Chris Searcy, Sean Domnick and Lance Block of Searcy Denney Scarola Barnhart & Shipley, and co-counsel Howard C. Coker of Jacksonville.

FDOT is responsible for the maintenance and safety of Florida's roads and highways. Evidence in the case showed that FDOT failed to maintain the roadway drains on a regular basis. During the ensuing investigation of the series of accidents, it was revealed that the cause of the standing water at the base of Hart Bridge was a drain clogged by a vehicle's mud flap or similar large piece of plastic lodged in the drainage system. The mud flap/plastic mysteriously disappeared after FDOT took custody of it following the investigation. Despite the loss of this crucial piece of evidence, the Duval County Circuit Court issued a final judgment in April 2005 for Amie and the children in the amount of \$1.3 million. ■

