

UPS semi-trailer truck rear-ends dump truck killing driver, passenger

\$2.8 million settlement is result of full-scale accident investigation and professional reenactment

In the early morning hours of January 25, 2011, James Butler Hope, Sr., was heading north on U. S. Highway 401/301, just past Ocala, Florida. Mr. Hope and his associate – the owner and driver of the 1969 International Harvester dump truck – were delivering 20,000 pounds of Florida limestone rocks to a client in Jacksonville, Florida. Areas around Ocala are known as “Florida horse country” – horse farms surrounded by wide-open, sparsely populated, rolling hills. The dump truck was traveling in the outside, slower lane.

Traveling north behind the dump truck was a United Parcel Service (UPS) semi-truck hauling tandem trailers. The UPS rig weighed over 65,000 pounds. It was traveling in the outside lane as well, as fast as the driver could go. Due to inattention, the UPS driver drove the semi-truck right into the dump truck’s left rear side causing the dump truck to



careen off the road and roll over one and a quarter times. Mr. Hope and the dump truck driver were thrown from the truck and killed.

Mr. Hope was 65 years old. He left behind six grown children and one teenager. His family was devastated by the loss of their father. They asked SDSBS attorneys **Cameron Kennedy** and **Carter Scott** to represent them in an action to hold UPS and its driver accountable for the accident. Jacksonville attorneys Howard Coker, Daniel Iracki, and Rufus Pennington served as co-counsel. Mr. Kennedy and Mr. Scott initiated an exhaustive investigation to uncover the facts that caused the tragic accident. The investigation included downloading and analyzing the UPS truck’s black-box data recorder and performing a full-scale accident reconstruction. Reenactment of the accident required local police to temporarily close a section of the highway. Experts retained by SDSBS filmed the reenactment to show the dump truck’s lights and equipment, and to show that the crash was avoidable had the UPS driver paid proper attention. *(Continued on page two.)*

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Years of litigation ensued. At trial, UPS argued that its driver had a crystal-clean driving record. Further, they argued, the dump truck’s rear lights were not working, causing the truck to be invisible in the dark, early-morning hours. And, they added, the dump truck was stopped or moving slowly due to engine trouble. The attorneys for UPS also argued that Mr. Hope and the truck’s driver died because they were ejected from the dump truck during the roll over and that if they had been wearing their seatbelts they would not have been ejected and they would not have died. The plaintiff’s accident reconstruction expert was able to forcefully rebut UPS’s arguments by using their reenactment of the accident scene. They proved that one of the dump

truck’s rear lights was working, and the jury could clearly see what the UPS driver should have seen on that fateful morning.

Eventually, a settlement of \$2,850,000 was reached during trial. The settlement will help provide security for the Hope family as they face a future without their patriarch. ♦



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