

Construction Wreck - Rear End Collision

Rear-End Collision / Products Liability / Partial Settlement

\$1,375,000.00 Settlement

Doug Abrams of Raleigh and Norm Kellum and Doug Jones of New Bern report a partial settlement of pending claims arising from a tragic wreck in New Bern, North Carolina.

Facts / Allegation:

On March 27, 1993, Mr. and Mrs. Fulcher were driving their 1990 Toyota pick-up truck when it was rear-ended by an intoxicated construction worker just leaving work. The force of the crash bent the driver's seat backwards ejecting the driver through the rear window of the pick-up truck. Mr. Fulcher died when he was thrown over the Neuse River Bridge. Mrs. Fulcher was also injured in the wreck.

The Plaintiffs sued Toyota Motor Company and other related companies who designed the occupant restraint system, the construction worker, who had no insurance (but the family was protected by uninsured motorist coverage); and the construction company who had condoned extensive alcohol consumption by its workers at the construction site.

Tried or Settled:

The case against the Construction Company was settled during a settlement conference. The wife-passenger settled her portion of the claim against the construction company for \$925,000 and the estate of the driver settled its portion of the claim against the construction company for \$250,000. Additionally, the uninsured motorist carrier, who had previously paid its limits of \$200,000 compromised its subrogation claim.

The products liability portion of this case involving the failure of the seat back in the 1990 Toyota pick-up will be tried later this year. [Note: after publication the products liability claim resolved for a confidential amount].

As reported in AROUND THE STATE by the North Carolina Academy of Trial Lawyers