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## Verdicts & Settlements

### Negligence/Auto

#### **Tractor-Trailer Collision - Husband, Wife Injured - Contrib Issue - \$957,000 Settlement**

**Brief Statement of Claim:** This case involved a severe wreck that occurred on I-95 when a tractor-trailer rig pulled out from the shoulder of the interstate into the path of oncoming traffic.

On Friday, April 25, 1997 at approximately 11:45 a.m., Ronald McGilvray, then 68 years old, and his wife Rita, then 69, were traveling northbound on Interstate 95 north of Fayetteville. They were en route from Florida to their home in New Hampshire. Ronald was driving the couple's 1987 Dodge, and Rita was in the front passenger seat.

At the same time, defendant Crabtree was operating a tractor-trailer for his employer, defendant Ramsey Trucking, which is owned by defendant Kerry Ramsey. Crabtree's wife was a passenger in the tractor-trailer.

Crabtree had pulled the tractor-trailer over into the emergency lane of I-95 in order to take a drink of water from his thermos. He had begun driving only 10 or 15 minutes before the wreck occurred. He had just entered the entrance ramp onto I-95. According to his wife, the rig was partially on the actual entrance way onto I-95.

Suddenly and without warning, Crabtree steered the tractor-trailer from the emergency lane into the outside lane of traffic and into the McGilvray's path. Ronald took emergency maneuvers in order to avoid a collision, travelling left into the inside lane. As a result, his Dodge collided with a tractor-trailer truck traveling in the right-hand lane.

The truck in the right-hand lane then ran off the road and into the median. The McGilvray's Dodge spun around and crashed into Crabtree's tractor-trailer.

**Principal Injuries (in order of severity):** Ronald McGilvray suffered a near traumatic avulsion of his left arm, multiple lacerations, facial fractures, clavicle fracture, and immense blood loss. He suffered from multiple nerve and muscle injuries in his left arm and shoulder, infraclavicular brachial plexus, and multiple soft tissue injuries. A later evaluation by a neurologist revealed that he suffered from bilateral cerebral contusions rather than just a concussion as originally believed.

Rita McGilvray suffered from an inferior pubic rami fracture, a complicated right acetabular fracture with anterior dislocation of the right femoral head, and multiple lacerations and abrasions.

**Special Damages:** Ronald's medical bills totaled approximately \$156,000. Rita's medical bills totaled approximately \$58,000.

**Tried or settled:** Rita's case was settled several weeks before trial.

Ronald McGilvray's case was settled moments before trial, after he granted summary judgment on the issue of contributory negligence.

Throughout the case, the defendants denied any negligence and claimed that Ronald was negligent.

**County where tried or settled:** Cumberland

**Case Name and number:** *McGilvray v. Bryan Eugene Crabtree, Kerry Brent Ramsey, individually, and Kerry Brant Ramsey d/b/a Ramsey Trucking* (97 CvS 7067)

**Date Concluded:** n/a

**Name of Judge:** James R. Vosburgh

**Amount:** Both cases settled for a total of \$957,000 out of a single limit total of \$1 million.

**Insurance Carrier:** Canal Insurance

**Expert Witnesses and areas of expertise:** Mike Sutton, accident reconstruction; Finley Lee, economist; Sandra Lowery, Boston, life care specialist

**Attorneys for plaintiffs:** Doug Abrams, Raleigh, and Joe Abromovitz, Boston

**Other Useful Info:** n/a

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