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Verdicts & Settlements

Negligence/Auto

Tree Trimming Truck Struck Plaintiff's Car -- Alleged Truck Driver Intoxicated -- Company Claimed Truck Stolen -- Multiple Fractures -- \$4 Million Settlement

Brief Statement of Claim: Plaintiff, Robert Belardinelli, was driving in Durham while on the job for his employer, J.W. Grand Construction. While stopped in a line of traffic, his truck was struck by an Asplundh Tree truck driven by an Asplundh supervisor.

At the time of the wreck, both Asplundh employees in the Asplundh truck, including the supervisor/driver were intoxicated as a result of drinking alcohol the entire day while on the job.

The driver/supervisor had no drivers' license at the time of the wreck and had an extensive criminal history, including prior multiple charges of driving while impaired, drug-related charges, and loss of operator's license. He had been fired from Asplundh years before for unbecoming and embarrassing behavior concerning an incident where it was suspected that he was drinking on the job.

When the case began, defendant Asplundh claimed that the employees in question had stolen the truck and were not acting within the course and scope of employment.

Numerous depositions were taken in which many of the Asplundh employees claimed never to have seen alcohol consumption on the job.

Plaintiff's investigation revealed ex-employees and their spouses who related instances of Asplundh hiring employees without drivers' licenses. The witnesses further reported repeated incidents of alcohol and drug use on the job, according to plaintiff's counsel.

Principal Injuries (in order of severity): Multiple leg fractures and an occipital fracture; 25 percent permanent partial disability rating for leg; 15 percent permanent partial impairment rating for back; and 10 percent permanent partial disability rating for arm

Special Damages: Past medical expenses: approximately \$76,000; future medical expenses: approximately \$30,000; future lost earning capacity: approximately \$400,000

Tried or settled: Settled

County where tried or settled: Wake

Case Name and number: *Belardinelli v. Asplundh* (99 CvS 11929)

Date Concluded: Case settled shortly after mediation

Name of Mediator: Gary Hemric of Charlotte

Amount: \$4 million

Insurance Carrier: n/a

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiffs: Howard Twiggs and Doug Abrams of Twiggs, Abrams, Strickland & Trehy, P.A., Raleigh

Other Useful Info: n/a

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