

Jury Awards \$10.6M to Mother Who Lost Arm in Minivan Crash

The jury awarded the money as compensatory damages last week after eight months of trial before Philadelphia Court of Common Pleas Judge Lisa Rau

By **Max Mitchell** | October 11, 2018 at 01:44 PM



Photo: Shutterstock

A Philadelphia jury has awarded \$10.6 million to a woman whose arm was amputated in a motor vehicle accident.

The jury awarded the money as compensatory damages last week in the case *Brown v. Silvi Concrete Products* after eight months of trial before Philadelphia Court of Common Pleas Judge Lisa Rau. The case had been set

for punitive damages, but the parties reached confidential settlements before those claims were argued before the jury.

According to attorneys who represented plaintiff Shanika Brown, delay damages increased the verdict to \$11.7 million.

The case stemmed from a July 2015 crash that occurred as the minivan Brown was a passenger in attempted to swerve around a roughly 14-foot long, two-foot wide truck tire on Interstate 295 in Gloucester County, New Jersey. According to the plaintiffs, the tire had been left in the roadway for nearly 30 minutes before the accident.

Court papers said Pamela Reed, who was driving the minivan, tried to swerve and avoid the tire tread, but struck the guard rail and overturned. Brown and her 5-month-old daughter were partially ejected, court papers said. Brown's arm was severed and the infant's leg was also amputated during the collision, but the daughter's claims were settled for a confidential sum before the verdict.

According to Houston attorney Kyle Farrar of Farrar & Ball, who was the lead plaintiffs attorney in the case, along with Wesley Ball, the trial centered around the trucking company's failure to call 911. Farrar said he focused arguments on an internal document from the trucking company outlining that their policy instructed drivers not to accept responsibility for accidents.

"I think that caused the jury to think their conduct was outrageous," he said.

Brown, her daughter and Reed sued four defendants as a result of the accident. They sued Silvi Concrete Products, which employed the driver who failed to call 911 after the truck tire blew, as well as Bridgestone Americas Tire Operations and McCarthy Tire Service Co. They alleged products liability and

negligence for allegedly failing to properly inspect the tire, or supervise their employees. The Browns also sued Reed.

Farrar said the daughter's leg was amputated during the crash, and, although Brown's arm was reattached after the crash, it ultimately had to be amputated up to the elbow. However, she subsequently had to have her arm amputated beyond the elbow. He said she has a surgery scheduled for the near future, and is planning to be fitted with a prosthetic.

In court papers, defendants denied liability, and also contended that Brown was comparatively liable for failing to properly seat belt herself or her daughter.

According to the plaintiffs' attorneys, the Bridgestone defendants settled pretrial, and, after a week of trial, the Silvi defendants settled with Brown's daughter and another passenger who had initially been a plaintiff in the case. The McCarthy defendants settled with all the plaintiffs soon after that, and, by the time the case was given to the jury, Silvi was the only remaining defendant, facing claims from Brown and Reed.

Mike Dennin of the Philadelphia-based Law Offices of Vincent J. Ciecka, who, along with attorney Joseph Urban, was local counsel for the plaintiffs, said the case was "aggressively" litigated. He noted that the court hit the Silvi defendants with \$40,000 in sanctions, as well as an adverse inference to the jury regarding the company's failure to preserve cellphone records. He said the company also tried to argue that it was unaware that the tire was in the roadway.

"We were able to uncover dispatch audio that completely countered that," he said. "Everybody did a great job throughout the litigation uncovering really damaging evidence."

The jury deliberated for three days, and determined that Silvi Concrete was 85 percent liable, and Reed was 15 percent liable.

The jury awarded \$10.6 million to Brown, and \$65,000 to Reed.

Reed's attorney, Daniel Sherry of Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, said his client was pleased with the verdict and the subsequent confidential settlement.

"It was clear that this concrete company felt they could blame a grandmother for causing the crash, and that the jury would look past an egregious and systemic failure to implement any meaningful safety standards," he said. "Somewhat unsurprisingly the jury did not see it that way, and they saw it realistically."

John Levy of Montgomery McCracken Walker & Rhoads represented the Silvi defendants. Colin Smith of Holland & Knight represented Bridgestone. Joshua Greenbaum of Cozen O'Connor represented the McCarthy defendants.

Greenbaum declined to comment without speaking with their client first, and Levy said the Silvi defendants declined to comment.

In an emailed statement, a Bridgestone spokeswoman said the company is pleased to have reached a settlement, but that the agreement should not be viewed as an admission of liability, or an indication that the product is problematic.

"The tire line at issue has an exemplary track record. In fact, this was the first and only claim involving a Bridgestone L315 truck tire," the statement said. "And, more specifically, the subject tire had been in service for more than 7-years and was safely operated in severe-use conditions for tens of thousands of miles before this event."

