



## Jury awards couple \$3.5 million for pain and suffering from crash; amount may be biggest auto verdict in state this year

By Danielle Salisbury | Jackson Citizen Patriot

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After a nearly eight-day civil trial, a Jackson County jury on Wednesday awarded a traffic crash victim and his wife a total of \$3.5 million for their past and future pain and suffering.

The amount is said to be the highest awarded by county jurors in an automotive case, [Steven Gursten](#), partner of Farmington Hills-based Michigan Auto Law, said in a statement.

“This probably is going to be the biggest auto verdict in the state this year,” Gursten said.

With lawyer Thomas James, Gursten represented James and Kimberley Fairley of Summit Township, who sued Illinois-based Schiber Truck Co.

James Fairley, 56, was heading west on Spring Arbor Road on Aug. 4, 2008, waiting to turn left onto Emerson Road, when a Schiber tractor-trailer behind Fairley’s van was unable to stop. It swerved onto the shoulder to avoid striking the van, but the trailer spun into the rear of the van, pushing it into oncoming traffic. An eastbound semitrailer then hit the van, the county sheriff’s office reported at the time.

Fairley has a [traumatic brain injury](#), depression and two fractured vertebrae, according to the statement released by Gursten’s office. He said he walks with a cane and cannot dance, bowl or read as he once did.

“I am in constant pain. I have memory problems, have problems focusing,” Fairley said. “It is possible if I get in another accident, I could be paralyzed from it.”

When he heard the verdict Wednesday, he cried, he said.

“Honestly, to me, the money didn’t mean that much.” It was about the jury believing him, he said. “It’s been a rough week, trying to get through the mud and character assassination that you get at trial. They try to make you out to be the bad guy, but I never was.”

Before trial, Zurich only would offer a \$1 million settlement, which [pushed the case to trial](#), Gursten said.

The jury awarded James Fairley \$1.5 million for past and present damages and \$1.5 million in future damages. Kimberley Fairley, 49, is to receive \$380,000 in past and present damages and \$120,000 in future damages, which are reduced to their present value, said John Gillooly, who was hired by Illinois-based Zurich insurance company to represent the trucking company and its driver.

There will be no appeal. Lawyers agreed to that as long as the verdict was below \$4 million, the trucking company’s insurance policy limit, Gursten said.

Fairley said he is not sure what happens next. He and his wife, married for 25 years, need a one-story house; their two-story home is difficult for Fairley to navigate. He said he also wants to “get some enjoyment out of life.”

“The basic thing is, I don’t have fun anymore. I am trying to get that back, but it’s a long road,” he said.

He said his depression started after the crash and continued when he could not go back to work as a fork lift operator.

For 24 years Guardian Industries in Albion employed him. The last 12 years, he had perfect attendance. Jurors were not asked to award Fairley economic damages. He receives Social Security disability payments.

Now he goes to therapy appointments several times a week. Driving 20 minutes or more makes him exhausted. Large trucks make him anxious.

Will the judgment help? “It’s a start,” he said.