

Verdicts & Settlements

Faulty truck, unfit driver cited in fatal accident

Inspection finds safety violations on vehicle that blew tire on freeway

In this wrongful-death case, the left-front steer tire of a gravel truck driven by Charles Dreyer blew, causing the truck to swerve on Interstate 75 in Detroit into the lane of plaintiff-decedent Patrick G. Nunez. Nunez died in the crash.

The defendant claimed sudden emergency, but upon discovery, Dreyer admitted he had received no formal training or supervision from his employer, Utica Transit Mix & Supply Co., Inc. He also had failed to inspect the truck's tires and brakes. Furthermore, he had a seizure disorder and was on powerful epilepsy medication, Tegretol, which causes drowsiness and delayed reaction time.

A truck inspection by plaintiff's three experts revealed five significant safety violations that put the truck in mandatory, out-of-service condition. Dreyer admitted speeding and being in the left-center lane of I-75, another violation, when the tire blew. The plaintiff maintained that Dreyer lost control because his truck was in defective and dangerous mechanical condition, the truck was not maintained and inspected, and Dreyer was an unfit driver.

A settlement was reached for \$3.9 million on a \$4 million policy limit, with an \$8.6 million total structured payout.

Type of action: Truck accident wrongful death

Type of injuries: Death

Name of case: Nunez, et al., v. Utica Transit Mix & Supply Co., Inc., et al.

Court/Case no./Date: Wayne County Circuit Court; 07719459-NI; Sept. 25, 2008

Name of judge: Gershwin A. Drain

Settlement amount: \$3.9 million

Insurance carriers: Indiana Insurance, Netherlands Insurance

Attorney for plaintiff: Steven M. Gursten

Attorney for defendant: Withheld

November 24, 2008

