

Transportation company disputes extent of injuries from accident

Defendants admit fault for piling material too high, causing spill on freeway

By: Michigan Lawyers Weekly staff
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In a third-party auto negligence lawsuit filed in Wayne County Circuit Court, plaintiff Lawrence A. Sand sought economic and non-economic damages from defendants Towles Transport, Inc. and James Edward Petty Jr. for injuries sustained in an accident.

In March 2009, Sand, a 60-year-old, self-employed handyman and construction worker was driving behind a Towles semi-truck that Petty was driving on westbound Interstate 94 in Detroit. The truck struck an overpass, causing the load he was carrying to spill onto the freeway. The load spilled in front of the Sand's vehicle, and he could not avoid the spilled material.

Sand suffered several injuries from the resulting crash, including torn rotator cuff and shoulder joint injury as well as two cervical disc herniations, all requiring surgery.

Towles and Petty admitted the construction equipment was piled too high on the truck and it was their fault that the accident occurred.

Plaintiff contended being permanently disabled from working because of his multiple-level fusion and shoulder surgeries, and that serious impairment of body function had occurred.

Defendants asserted that plaintiff had pre-existing injuries and treatment for neck, shoulder and head injuries, as he was a longtime tradesman, and that plaintiff's life had not changed as a result of the accident.

It also was contended that plaintiff had recovered and should have been able to return to work and normal activities, and that surveillance video showed plaintiff was not seriously impaired.

The jury found for the plaintiff and awarded \$1.45 million. Per plaintiff's attorney, the parties reached a confidential high/low agreement prior to jury deliberations. There was no appeal and this case is closed.

Type of action: Third-party auto negligence

Type of injuries: Torn rotator cuff and shoulder labrum, cervical disc herniations

Name of case: *Sand v. Towles Transport, Inc., et al.*

Court/Case no./Date: Wayne County Circuit Court; 09-021549-NI; May 17, 2011

Tried before: Jury

Name of judge: Prentis Edwards

Demand: \$750,000

Highest offer: \$400,000

Verdict amount: \$1.45 million

Allocation of fault: Defendant and its driver admitted the construction equipment was piled too high on the truck, and it was their fault that the accident occurred

Insurance carrier: Acuity

Attorney for plaintiff: Leonard M. Koltonow

Attorney for defendant: Kevin J. Plagens

Key to winning: Jury rejected testimony from seven defense experts