

# VIRGINIA LAWYERS WEEKLY

Vol. 29, No. 1

June 9, 2014

valawyersweekly.com

## VERDICTS & SETTLEMENTS

### Driver killed instantly in head-on collision with dump truck

#### \$3,850,000 Settlement

Decedent, a 40-year-old husband and father of three young children, was killed on impact when a dump truck collided head-on with his vehicle. The collision occurred in decedent's lane, and the decedent had no time to react. The defendant truck driver was experienced and passed alcohol and drug tests after the accident. Defendant claimed he drift-

ed out of his lane when he checked his mirror, and then over-corrected, losing control. Plaintiff contended that he had fallen asleep.

The primary insurer eventually offered its limits of \$2,000,000. The umbrella insurer did not begin meaningful settlement discussions until suit was filed and discovery was propounded.

The mediator greatly assisted in helping the parties reach a mutually satisfactory agreement.

[14-T-076]



TRICHILO

Type of action: Wrongful death

Resolved by: Mediation

Mediator: Johanna Fitzpatrick

Date resolved: Jan. 23, 2014

Special damages: Loss of earnings and household services - \$1,236,411; funeral expenses - \$10,768.50

Demand: \$6,950,000

Offer: \$2,500,000 (\$500,000 by umbrella liability insurer)

Verdict or settlement: Settlement

Amount: \$3,850,000

Attorney for plaintiff: Benjamin J. Trichilo, Fairfax

Plaintiff's experts: William E. Cobb, economist, Charleston, West Virginia