

SOUTH CAROLINA Lawyers Weekly

Rain, speed lead to head-on crash, \$1.075M settlement

By: Heath Hamacher July 5, 2017

On the morning of April 12, 2016, it had rained all night — and was still raining — when the Dodge Ram being driven by defendant Duston Melton crossed the centerline on U.S. Highway 15 in Bennettsville and crashed head-on into [REDACTED] Honda Accord.

[REDACTED] did not come out unscathed, but he survived with cuts and bruises and broken bones in both legs. On June 26, the final touches were put on a \$1.075 million settlement when the carrier of [REDACTED] underinsured motorist policy agreed to pay its \$75,000 limits.

[REDACTED] attorney, Mason King of the Douglas Jennings Law Firm in Bennettsville, said that the defendant's insurance company agreed to tender its \$1 million bodily injury limit months ago.

"It was a high rate of speed for this particular stretch of highway, but then you factor in the terrible conditions and we were able to convince the liability carrier that they had a huge problem on their hands, including the real likelihood of punitive exposure," King said.

According to King, [REDACTED] was knocked unconscious and was unable to help describe what happened. That's where accident reconstruction specialist Mike Sutton came in, helping to determine that bad road conditions and speed — Melton was reportedly traveling about 70 mph in a 55 mph stretch — caused Melton's truck to hydroplane into [REDACTED] vehicle.

Before the crash, [REDACTED] worked as a heating and air technician, King said. He has yet to be cleared by his doctor to return to work.

"He was smart and decided to structure a good portion of his settlement into an annuity, so he's going to be all right, we hope," King said. "But he's still got an uphill battle."

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SETTLEMENT REPORT – NEGLIGENCE

Amount: \$1.075 million

Injuries alleged: Broken bones, emotional distress

Case name: [REDACTED]

Case No.: 17 CP 34 00024

Court: Fourth Judicial Circuit Court of Common Pleas

Date of settlement: Jan. 4 for Melton's insurance company and June 26 for [REDACTED] UIM coverage

Attorneys for plaintiff: Mason King and Douglas Jennings of the Douglas Jennings Law Firm in Bennettsville

Attorney for defendant: Settled pre-suit

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