

SOUTH CAROLINA Lawyers Weekly

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FEBRUARY 7, 2022

Child hurt by flying racetrack debris settles suit for \$950K

By Heath Hamacher

A 7-year-old girl who was injured by flying asphalt at an outdoor racing event has settled her case for \$950,000, her attorney reports.

Douglas Jennings and Liam Duffy of Yarborough Applegate in Charleston and Douglas Jennings Jr. and Mason King of Douglas Jennings Law



Douglas Jennings



Douglas Jennings Jr.



Liam Duffy



Mason King

Firm in Bennettsville represented the girl. Duffy said that the girl and her parents were watching the race from a designated spectator area when she was struck above the eye by a golf-ball-sized piece of asphalt that had been slung from the track.

Many details of the case, including the identities of the parties and

the attorneys for the defendants, were withheld pursuant to a confidentiality agreement.

The incident left the girl with a gash and fractured orbital, and she suffered from elevated fluid pressure, vomiting, light sensitivity, blurry vision, and headaches for several days, Duffy said. For years, the girl has also undergone facial scarring revision due to widening and continuing desensitization, decreased academic performance, impaired social development, and mild cognitive defects.

The client alleged in her suit that the operators of the event and the property owner had failed to properly inspect and prepare the track for the event, failed to protect or warn the audience of the risk, and failed to control the event to prevent dangerous objects from being thrown into the crowd.

Duffy said that the defense counsel likened the incident to an errant baseball or hockey puck striking a spectator and contended that the girl and her parents had assumed the inherent risk of debris being thrown into the crowd at their event in the rural venue, Duffy said. The defendant also contested the existence and extent of the girl's brain injury.

Duffy said that the girl's parents structured the settlement funds to allow for future periodic payments.

"This will allow the minor plaintiff to receive additional tutoring and development support, college tuition and expenses, and extra educational resources as she moves through the public school system in a rural South Carolina community," Duffy said.

Christopher Daniels of Columbia mediated the settlement, which was agreed to in November 2021.

SETTLEMENT REPORT— Personal Injury

AMOUNT: \$950,000

INJURIES ALLEGED: Eye hyphema, orbital floor fracture, traumatic mydriasis, commotion retinae, facial lacerations, pediatric brain injury

CASE NAME: Withheld

COURT: Withheld

MEDIATOR: Christopher Daniels of Columbia

DATE OF SETTLEMENT:

November 2021

ATTORNEYS FOR PLAINTIFF:

Douglas Jennings and Liam Duffy of Yarborough Applegate in Charleston and Douglas Jennings Jr. and Mason King of Douglas Jennings Law Firm in Bennettsville

ATTORNEYS FOR

DEFENDANTS: Withheld