

SOUTH CAROLINA Lawyers Weekly

Employer of distracted trucker agrees to pay \$3.75M to injured man

By: Heath Hamacher ◉ December 8, 2016

On the third day of trial, a North Carolina-based manufacturing company agreed to pay \$3.75 million to a man injured when one of its tractor-trailer drivers rear-ended the man's vehicle while talking on his cell phone.

Douglas Jennings of Yarborough Applegate in Charleston, an attorney for the plaintiff, said that defendant Unifi Manufacturing of Greensboro, North Carolina, also agreed to ban cell phone usage among its on-the-road drivers.

On the evening of Oct. 16, 2014, the 61-year-old plaintiff and his wife were traveling along Highway 38 in Marlboro County and had slowed down to turn into their driveway when the 60,000-lb. truck, speeding slightly, struck their Ford pickup.

Because of injuries suffered in the wreck, Jennings said, the plaintiff underwent two spinal surgeries. His medical bills included \$175,000 in past bills and a future care plan valued at \$200,000.

The truck driver, Gregory Bowman, had been on duty for nearly 14 hours and driving for eight hours and 25 minutes at the time of the collision, Jennings said.

According to Jennings, Bowman initially denied being on his phone when the accident occurred and contended that the plaintiff's truck was stopped in the middle of the road, at dusk, without its headlights on. But the vehicle's black box, Jennings said, showed that the headlights were on and that the right turn signal was activated.

Jennings said that phone records show that Bowman was on an 11-minute call when the crash happened, and that he had been on the phone more than seven hours while driving that day. Further, Jennings said, Bowman talked to other Unifi drivers on the phone after the crash. Jennings said that Unifi drivers routinely spent hours talking to each other on three-way calls while driving.

"My client really wanted justice in this case," Jennings said. "It infuriated him that this company injured him and then made up this completely untrue story of what happened. Even after this happened, the records show that the drivers continued to ignore the cell phone safety rule, which is dangerous for everyone sharing the road with them."

Unicef's cell phone policy limited phone calls to a maximum of two minutes, though Jennings said the policy was "never enforced with any meaningful effort."

A 2012 federal law doesn't place a time limit on calls, but requires drivers to use a hands-free device while driving.

"That rule set the minimum standard but it's not necessarily the safest standard," Jennings said.

As part of the settlement, Jennings said, the company agreed to prohibit its drivers from making phone calls while driving. He hopes other companies will follow suit.

"Hopefully, the significance of this case will encourage other trucking companies to check their drivers' cell phone records and re-evaluate their cell phone safety policies," Jennings said.

Attorneys for the defendants did not immediately respond to emails seeking comment.

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SETTLEMENT REPORT – PERSONAL INJURY**Amount:** \$3.75 million**Injuries alleged:** Permanent impairment from spinal injuries**Case name:** *Vernon O'Tuel v. Unifi Manufacturing Inc. and Gregory Bowman***Court:** U.S. District Court for the District of South Carolina**Case number:** 4:15 CV 02200-RBH**Judge:** R. Bryan Harwell**Date of verdict:** Nov. 16**Attorneys for plaintiff:** Douglas Jennings and David Yarborough Jr. of Yarborough Applegate in Charleston, and Douglas Jennings Jr. and Mason King of Douglas Jennings in Bennettsville**Attorneys for defendant:** Adam Yount of Haynsworth Sinkler Boyd in Charleston and Ben Sirmons, in-house counsel for Unifi, in Greensboro, North CarolinaTagged with: Distracted Driving

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