

DAILY REPORT

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How a Columbus, Ga., Jury Returned a \$280M Verdict in 45 Minutes



Madere Trial Team:

Back Row, L-R: Ramsey Prather, Brandon Peak, and Joel Wooten
Front Row, L-R: LaRae Dixon Moore, Chris McDaniel, and Marci Martinez



Lead counsel Brandon Peak of Butler Wooten & Peak makes closing argument for Madere v. Schnitzer in Muscogee County State Court. (Courtesy photo)

KATHERYN TUCKER

A jury in Columbus, Georgia, returned a \$280 million verdict Friday against a trucking company whose driver crossed the center line and killed five members of a family traveling together.

The weeklong before Muscogee County State Court Judge Andy Prather was for the death of Judy Madere, 58, who was riding in the backseat of a Nissan Rogue SUV buckled in between her grandchildren, 4-year-old Jaxson and 7-year-old Trinity. Her daughter, Carrie Jones—the children’s mother—was driving. Judy Madere’s twin sister,

Trudy Hebert, was sitting up front next to her niece. They all died when the tractor-trailer carrying a bin of scrap metal came into their lane and hit them head on, according to court records.

The jury awarded \$150 million for the value of the life of Judy Madere, and \$30 million for her pain and suffering, plus \$100 million in punitive damages and \$65,000 in attorney fees.

The trucking company, Georgia-based Schnitzer Southeast, admitted liability for the at-fault driver’s negligence. The parent company, publicly traded Schnitzer Steel

Industries of Portland, Oregon, denied responsibility. But the jury held that the two companies were operating as a joint venture, and that the driver was an agent of both.

“I think the verdict was a reflection of the quality of our clients as much as the mean spirited nature of the defense,” said Brandon Peak of Butler Wooten & Peak, lead counsel for Judy Madere’s husband Larry and surviving daughter Anjanette Thomas. “Not a single time did the defense apologize for the wreck or for taking Judy Madere’s life. Not a single time.”

Peak said a low point was when the lead defense counsel suggested

in closing that Carrie Jones, Judy Madere's daughter, could have done more to get out of the truck's way. "The jury was visibly repulsed by that," Peak said.

Peak tried the case with partner Joel Wooten. The winning team also included: LaRae Dixon Moore of Page Scramtom Sprouse Tucker & Ford in Columbus; Chris McDaniel and Ramsey Prather of Butler Wooten & Peak; paralegal Marci Martinez; IT specialist Ray Davis; investigators Nick Giles and AB Calhoun; and legal assistants Heather Byrd and Ginger Busby. Butler Wooten & Peak has offices in Columbus, Atlanta and Savannah.

The jury had a verdict after about 45 minutes of deliberation, Wooten said.

"It's a horror story," Wooten said. "It's a family's worst nightmare."

Peak and Wooten represent the survivors not only of Judy Madere but the four others killed along with her. They said Saturday that one case is still pending in Muscogee County Superior Court. That one is for Madere's twin sister. The others for the children and their mother have been resolved with confidential settlements.

Wooten said Peak handled the opening statement and closing argument, plus most everything else. "He is a great young lawyer and a great person," Wooten said of Peak. "He did a wonderful job."

Peak said he was "thankful and appreciative of the jurors who gave meaning to Judy's life and

recognized that it is not OK for a large corporation to ignore safety rules and put unsafe trucks and unsafe drivers on the roadway."

The family's lawyers presented evidence to show braking skid marks for the SUV but none for the truck. And they alleged that the companies were linked so closely that when the driver applied for his job with Schnitzer Southeast, he filled out an application to Schnitzer Steel.

Defense counsel said Schnitzer plans to appeal because we believe that the trial was riddled with error.

Peak disagreed, saying, "We don't think there are any errors whatsoever. Judge Prather tried a clean case."

In a summary for the consolidated pretrial order, The defense said the driver swerved to miss a dog. But Wooten said no one else saw a dog in the road July 18, 2016.

The Madere attorneys alleged the driver was fatigued, having only slept less than five hours the night before. They said he fell asleep, crossed the center line of the two-lane U.S. Highway 80 in Alabama just outside of Columbus and slammed into the SUV.

Wooten said the trial was so emotional that he was crying.

"Judy was described as the rock of the family, the matriarch. She and Larry raised their two girls to do right and study hard," Wooten said. "They always tried to do the right thing."

Judy and Larry Madere had been married for 42 years. Testimony

included their first meeting at a high school dance, Wooten said. Larry Madere saw her and asked the boy next to him, "Who is that girl?"

"She's my girlfriend," the other boy said.

"I want to dance with her," Larry Madere said.

"That'll be a dollar a dance," the boy joked.

Larry Madere answered, "Here's \$5. I'm gonna dance with her all night."

Wooten said he thought the testimony of a co-worker from the school cafeteria was particularly moving. She said Larry Madere drove Judy Madere to work every day, even though they only lived a short distance from the school. "I've been there," Wooten said. "You could walk it easily."

"Judy like powdered sugar donuts," Wooten said. "Larry would send her a bag of powdered donuts with a love note inside."

Wooten said he thought the defense miscalculated when one of their attorneys asked Larry Madere how much longer he thought Judy Madere would have worked.

"It's not about the paycheck. It's all about the intangible things people do," Wooten said. "Apparently the jury agreed."

The case is *Madere v. Schnitzer*, No. SC17CV106.

Katheryn Hayes Tucker is an Atlanta-based reporter covering legal news for the Daily Report and other ALM publications.