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Army Vet Hit by Truck to Collect \$2M on \$3.25M Verdict

KATHERYN HAYES TUCKER

A ROCKDALE COUNTY JURY awarded \$3.25 million to a U.S. Army veteran seriously injured when her car was hit by a newspaper delivery truck running a red light.

The April 29 verdict included \$1.75 million in compensatory damages plus \$1.5 million in punitive damages and \$35,000 in attorney's fees. Rockdale County State Court Judge Nancy Bills reduced the punitive portion to the \$250,000 cap under Georgia law. The May 5 final judgment ordered defendant JB Trucking Inc. and its liability carrier, Grange Indemnity Insurance Co., to pay \$2 million plus the \$35,000 in attorney's fees.

"The great thing about our civil justice system is that a jury of your peers can grant you the justice that the defendant has denied you," said plaintiff's attorney Brandon Peak of Butler Wooten Cheeley & Peak, who represented Angela Burns. "The jurors took their responsibilities seriously and returned a punitive damages verdict that will hopefully encourage the defendant to clean up its act so that no one else will have to go through what my client went through."

Peak also said it was "an extremely hard-fought case" with "great lawyers on the other side."

Lead defense attorney William Harrison of Mozley, Finlayson & Loggins said he

could not comment. A defense summary written for the court admitted the trucking company was liable but blamed the November 2012 wreck partly on the plaintiff, saying she was negligent in making her left turn at the intersection of State Road 138 and Centennial Olympic Parkway.

Even though the trucking company's driver ran the traffic light, the defense summary said Burns "did not look to her left to determine if the intersection was clear or if it was safe for her to enter" and therefore "had the last clear chance to avoid the accident."

But the plaintiff's side contended Burns was an innocent victim and that the trucking company had a poor safety record, as did the driver.

On the day of the wreck, the driver had worked an overnight shift at another job for Tractor Supply Co. before going on his delivery run for JB Trucking. By the time of the crash at noon, he had already driven from Walton Press in Monroe to Norcross, then to Newnan, and was on his way back to Monroe, according to the plaintiff's summary. The truck was hauling mailers that were to be inserted in The Atlanta Journal-Constitution, Peak said.

Burns was knocked unconscious in the crash and had to be removed from her car by rescue workers with extraction equipment. Her injuries included a concussion, seven



Brandon Peak

John Disney/Staff

rib fractures and contusions to the chest and shoulder. She was taken by ambulance to Atlanta Medical Center, where she was hospitalized for several days, including three days in an intensive care unit. Peak said her medical bills ran up to \$100,000.

The plaintiff retired from the Army with 22 years of service and had also worked 18 years for the U.S. Postal Service, according to Peak. He said she made a favorable impression on the jury, calling her a "quality person."

Peak added, "Sometimes cases like this need to be tried."

The case is *Burns v. JB Trucking*, No. 2013-SV-1128. 

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