

# DAILY REPORT

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## Big Settlements Reached in Deaths of Nursing Students Killed in Truck Crash, Plaintiffs' Lawyers Say

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ATTORNEYS FOR THE families of four of the five nursing students who perished last year in a tractor-trailer collision on Interstate 16 near Savannah said that they have secured “substantial settlements” in civil suits against the truck owner, the driver and others. One lawyer said his client had received a \$14 million payment.

On the eve of the first anniversary of the nurses' deaths, attorneys at Butler Wooten Cheeley & Peak and Billy Jones of Jones Osteen Jones of Hinesville announced that they have secured the settlements in the deaths of Caitlyn Nicole Baggett, 21; Emily Elizabeth Clark, 20; and Abbie Lorene DeLoach, 21.

The settlements were reached on the eve of trial in the DeLoach case, which had been scheduled to begin April 18 in Bryan County State Court. The Clark and Baggett cases were scheduled to go to trial May 16.

Butler Wooten partner Brandon Peak would not reveal the terms of the settlements on Wednesday. Peak said the families “don't want the focus to be on the amount of the settlements. They want it to be on their daughters' lives.”

The families have scheduled a news conference for 11 a.m. Thursday in front of Georgia Southern's School of Nursing



Brandon Peak said the families want the focus now to be on their daughters' lives.

in Statesboro.

Two other suits—one filed by the family of Catherine Pittman, a fourth nurse who was killed, and Brittany McDaniel, who survived but suffered broken bones, have also settled, said Joe Fried of Atlanta's Fried Rogers Goldberg. He litigated those cases with co-counsel Render Freeman of Andersen Tate & Carr. Freeman told the Daily Report that the Pittman family alone would receive \$14 million.

Seven nursing students from Georgia Southern University were traveling in tan-



David Rohwedder said he hopes Total Transportation and other transport companies will be more careful and selective when hiring drivers.

dem in two cars on their way to clinical training in Savannah when both vehicles were struck by a tractor-trailer shortly before 6 a.m. April 22 on Interstate 16 in Bryan County.

Five were killed and two others were seriously injured after the tractor-trailer owned by Total Transportation of Mississippi plowed into the rear of driver Emily Clark's vehicle. Clark's car had come to a halt as the last in a long line of traffic that

had stopped as a result of an earlier collision on the highway. The truck struck the rear of DeLoach's vehicle, which was directly in front of Clark's.

According to the complaints, the tractor-trailer rolled over the Toyota Corolla in which Clark, Baggett and Catherine Pittman were riding. All three women died when the car exploded into flames. The truck then plowed into a Ford Escape driven by DeLoach in which Morgan Bass, Megan Richards and Brittany McDaniel were passengers, tossing it into the air and causing it to roll multiple times. McDaniel and Bass were ejected and Bass died at the scene.

DeLoach was trapped behind the steering wheel. She, too, died, several hours after she was finally extricated from the wreckage. McDaniel and Richards survived but sustained serious injuries.

The plaintiffs had sued the truck driver, John Wayne Johnson, Total Transportation New Mountain Lake Holdings, the holding company of Total Transportation's parent company, US Xpress Enterprises (USX); US Xpress Inc., US Xpress Leasing Inc.; and Mountain Lake Risk Retention Group LLC, an insurer of the US Xpress companies.

Total Transportation spokesman Bob Viso, the company's vice president of safety and recruiting, could not be reached for comment.

Dave Dial, a partner at Weinberg Wheeler Hudgins Gunn & Dial in Atlanta who represented the defendants, said Wednesday that on behalf of Total Transportation and the other defendants, "We are very pleased the parties have been able to reach a resolution. We have been attempting to resolve these cases since immediately after the accident. ... We continue to express our condolences to the families who will no longer have to endure the rigors of litigation."

Dial would not release the terms of the settlements, saying it was "for the families" to decide whether to make them public.

Dial also said that Johnson "hasn't driven since the day of the accident" and is no longer employed by Total Transportation. He also said that a criminal investigation stemming from the accident is ongoing.

Dial said he doesn't know whether Johnson fell asleep at the wheel before colliding with the nursing students. "He had been driv-

ing 68 mph for some period of time, mainly with traffic passing him," he said. The truck driver said he did not realize that the line of traffic in front of him had stopped and that he was rapidly gaining on it. But, Dial said, "We actually don't know what happened."

"We admitted liability from the very beginning," Dial added. "We never attempted to contend we were not liable. At that point, we didn't need to spend a lot of time trying to figure out what happened."

In announcing the settlement deals, Peak said plaintiffs' lawyers had "determined from the black box in Abbie's vehicle and the physical evidence at the scene that seconds before impact Abbie and Emily unfortunately saw the tractor-trailer barreling down on them from the rear and did everything in their power to get out of the way. They slammed on the gas and turned their vehicles to the right, but unfortunately did not have time to get completely off of the roadway prior to the collision. Abbie's actions and quick-thinking likely saved the lives of Brittney McDaniel and Megan Richards, who were passengers in her vehicle."

Cheeley said that during the litigation, Total Transportation's president and CEO, John Stomps, and Viso admitted in sworn deposition testimony that Johnson, who did not meet Total Transportation's hiring criteria because he previously rolled a tractor-trailer when he fell asleep while working for another company, should never have been hired and allowed behind the wheel of a Total Transportation tractor-trailer, according to Cheeley.

"It was clear from the depositions of company employees that Total Transportation and its parent company, US Xpress, were negligent in many ways," Cheeley said. "Not only did Johnson not meet the hiring requirements of the two companies, which is bad in and of itself, but then Total Transportation made matters worse by unnecessarily causing Johnson to wait at the terminal for approximately 10 hours before having his rig ready to roll.

"Instead of beginning the trip at 7 a.m. central time on April 21, 2015, Johnson, who had ridden a bus all night from Shreveport [Louisiana] to Total Transportation's headquarters in Ridgeland, Mississippi, had to

wait in the driver's lounge at the truck terminal until the truck was ready and did not get on the road until 5 p.m. Central Time. Without even asking Johnson if he was OK to drive and knowing he had previously crashed a truck during the early morning hours, Total Transportation assigned Johnson a load that required him to drive throughout the night to Savannah."

The trucker, he said, was hauling paper products to a Dollar General store in Savannah when the accident occurred.

Butler Wooten partner Bob Cheeley said that although Johnson denied it, he "likely either fell asleep behind the wheel or was distracted by taking his eyes off the roadway." The tractor-trailer was not equipped with a video camera or a collision avoidance system that applies the brakes when a vehicle is stopped in front of it.

Peak said that the families' legal team conducted more than a dozen depositions before reaching settlements in the cases. "Our clients wanted answers about why their daughters were killed so that they could hopefully prevent any other families from having to experience the heartache they have endured and continue to endure."

Family members attended those depositions to hear the evidence, he said. "We are confident the actions these families took to shine a light on the senseless decisions that took the lives of their daughters will save other lives in the future." Butler Wooten associate David Rohwedder said he hopes Total Transportation, as well as other transport companies will be more careful and selective when hiring drivers.

"By these large settlements, it is our sincere hope that Total Transportation and U.S. Xpress will never again jeopardize the lives of the monitoring public by hiring drivers who have been fired by other companies for unsafe driving practices," he said.