

# STATESVILLE RECORD & LANDMARK

## Settlement reached just before Iredell trial in church bus-crash suit

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Emergency personnel arrive on the scene near a collision involving a Front Street Baptist Church bus, a tractor-trailer and another vehicle on Oct. 2, 2013, in Dandridge, Tenn.

### ASSOCIATED PRESS FILE

A lawsuit over a 2013 bus crash that killed six members of Statesville's Front Street Baptist Church came to an anticlimactic end Tuesday just as a trial was set to begin. After years of litigation, 12 survivors of the crash and the estates of five of the victims agreed to a private settlement in their lawsuit against Hankook Tire Co., and agreed to drop a suit against the estate of the bus driver, who also died in the accident. The plaintiffs' attorney, [Brandon Peak](#), told the Record & Landmark he got a call at about 6 a.m. Tuesday from Hankook's attorneys, who said the company would agree to settle out of court. The announcement came just before opening statements were scheduled to begin and

after 11 jury members were selected Monday. Peak said the details of the settlement will not be disclosed publicly.

## **The crash**

On Oct. 2, 2013, members of Statesville's Front Street Baptist Church were returning from an event in Gatlinburg, Tennessee, when the front-left tire of the bus they were traveling in blew out, causing driver Randy Morrison to lose control, according to reports. The bus crossed the median on Interstate 40 and collided with a westbound SUV and tractor-trailer near Knoxville, Tennessee. The 66-year-old truck driver, Mose Farmer, and a passenger in the SUV, Trent Roberts, 24, were killed. Those who died in the crash from Front Street Baptist were Cloyce Matheny, 95; Brenda Smith, 69; Marsha McLelland, 62; Barbara Morrison, 66; Randy Morrison, 66; and John Wright, 73.

The plaintiffs filed suit in Sept. 2014. Each of the 17 plaintiffs sought damages that "exceed \$10,000," unspecified punitive damages and "all such other and further relief as this court deems just and proper." The lawsuit alleged that Hankook "knew or should have known" that the subject tire's design and/or manufacture resulted in a defective product which exposed vehicle occupants and other motorists to unreasonable danger.

In its response, Hankook claimed that Morrison, the truck driver, had some responsibility for the crash because he did not care for the bus properly. A six-month investigation found that a break and separation occurred in the front-left tire when a bubble formed between the tire liner and inner steel belt, according to court documents. "My clients felt very strongly that they wanted members of the public to know that Hankook tire caused all of this and that Randy Morrison, the driver of the bus, did nothing," Peak said. "Randy Morrison's estate has paid nothing as part of this settlement and my clients are going to dismiss their claims against the estate. The only reason the estate was a party is because Hankook was blaming Mr. Morrison and he needed somebody to defend himself." Peak called the settlement long overdue. "Hankook wanted to settle the case after dragging it along for four years because I think they realized that they were at fault for causing this wreck that took these people's lives and caused all these injuries," Peak said. "I think that they knew all along that their defense wasn't valid, but it wasn't until you actually have the finality of a jury trial and jurors about to decide it before they have to get serious with that reality." David Allen, an attorney representing Hankook, said only that "we're just glad the matter is resolved."

## **Ready for trial**

Attorneys came in and out of Judge Robert C. Ervin's courtroom Tuesday morning until the judge walked over to the plaintiffs' attorneys at about 10:40 a.m., shook their hands and congratulated them. Front Street Baptist Church members, along with family members of Morrison and Trent Roberts, the passenger who died in the SUV, stood slowly and embraced tearfully. The plaintiffs in the courtroom declined to comment and deferred to Peak. "I think all of them are happy to have this behind them, especially due to their ages, and it has been something they have had to live with on a daily basis for the past four years," Peak said. "But at the same time, we are disappointed because we really wanted to see the jury (have) the opportunity to decide this case and to do the right thing and to get the word out so what happened never happens again."

Morrison's family also has sued Hankook in Iredell County. Peak told Morrison's emotional family members to "keep the faith and to keep believing the jury will do the right thing" before he left the courtroom Tuesday. "I fully believe that if we tried this case, that Hankook would have been found liable for making a defective tire," he said.