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DAILY REPORT

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Fulton Jury Awards \$30M in Car Wreck Case

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A FULTON COUNTY jury awarded more than \$30 million to a woman who lost a finger and suffered extensive injuries to her hand and arm when her minivan was struck by a recently modified Jeep in 2012, including more than \$93,000 in attorney fees.

A co-defendant, the garage that installed heavy-duty off-road steering gear on the Jeep Wrangler several days before the accident, was cleared of any liability.

Plaintiffs attorney Ben Brodhead said the defendant driver's insurer turned down multiple offers to settle the case for his \$100,000 policy

limit, and also rejected a later \$1 million settlement offer, submitted under Georgia's offer of judgment statute. That law says that a party that declines a settlement offer, then loses at trial by at least 25 percent more than the rejected offer, may be ordered to pay the winning party's fees accrued from the date of the offer.

Brodhead, who tried the case with Brodhead Firm associates Ashley Fournet and Jennifer Mundy, said he will also seek more than \$200,000 in pre-judgment interest.

The driver's lawyer, Fain, Major & Brennan partner



JOHN DISNEY/DAILY REPORT

Ben Brodhead said the defendant's insurer rejected multiple offers to settle the case for \$100,000 policy limit.

James Taylor III, said that he was not surprised by the verdict.

"But obviously I was surprised and displeased by the amount of the verdict as I believe it was excessive given the evidence that was presented," said Taylor. "We will be

pursuing post-judgment relief and are currently evaluating our options.”

J. Wayne Pierce of Duluth’s Pierce & Dunkelberger, who represented co-defendant Oh’s Auto Center, said he was “very pleased with the jury’s ability to sort through a significant amount of expert testimony and mechanical parts evidence and conclude that my client had no responsibility for the collision.”

The wreck happened in Forsyth County, when Abdulmohsen Almassud’s Jeep crossed the center line on Dahlonega Street and hit a Mazda minivan driven by Luisa Mezquital, at the time a 29-year-old factory worker.

Brodhead said Mezquital’s left hand went through her window and was hit by the Jeep as it scraped her vehicle, causing major bone and tissue damage, and requiring the amputation of her middle finger. She accrued more than \$391,000 in medical bills.

Brodhead said that Almassud’s insurer, American

Family, attempted to shift the blame for the wreck onto the garage and added it as a co-defendant. Brodhead said there was no evidence that the off-road gear had failed before the accident.

The trial was complicated by Mezquital’s post-traumatic stress disorder, he said, and her psychologist warned that re-living the incident and



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being exposed to “gruesome” photos and testimony could be damaging.

“This left us with a difficult choice because we needed Luisa at trial to tell her story,” said Brodhead.

He ultimately decided not to force her to attend the trial and, he said, opposing counsel “made the merciful and

respectful decision” not to call her to testify.

During the trial, he said, the defense turned down a high-low offer of \$3 million to \$15 million, he said.

On Sept. 12, the jury awarded Mezquital \$30 million in general damages, \$391,779 in medical bills and \$93,884 in legal fees.

Brodhead said jurors told him they reached that decision in about 10 minutes, then spent six hours weighing whether to impose punitive damages, ultimately rejecting them. ®