

THURSDAY, MAY 30, 2019

# DAILY REPORT

A SMART READ FOR SMART READERS

An **ALM** Publication

## \$5M Settles Case of Driver Rear-Ended After Yielding to Fire Truck

**GREG LAND** | gland@alm.com

A MAN WHO who was rear-ended after he stopped to make way for an oncoming fire truck with its emergency lights and siren on settled his claims for \$5 million.

Attorney Ben Brodhead said his client suffered significant injuries and incurred what the complaint said was more than \$200,000 in medical bills arising from the January 2017 wreck.

Brodhead said his client, Carlton Hawkins, was 36 years old and a part-time Chattahoochee Technical College student who also worked for his mother's cleaning business when the wreck happened.

"As with so many injury victims, he faced financial challenges because he did not have health insurance to cover his



JOHN DISNEY/ALM

**Ben Brodhead said his client suffered significant injuries and incurred what the complaint said was more than \$200,000 in medical bills arising from the January 2017 wreck.**

medical bills," said Brodhead, who explained that Hawkins' extensive medical bills spurred him to agree to the settlement.

"I think we could have gotten \$10 million or more if we'd gone

to trial, but that would have been years down the road," he said.

"My client was interested in trying to get the case settled sooner rather than later so he could get on with his life," said Brodhead, who

handled the case with Brodhead Law colleagues Ashley Fournet and John Nichols.

Defense attorneys Anne Gower and Jason Darneille of Gower, Wooten & Darneille were not immediately available for comment on Wednesday.

According to Brodhead and other documents, Hawkins was driving a GMC Terrain minivan along Dallas Highway in Cobb County, and had just gone through a green light at Barrett Parkway when the fire engine entered the intersection to turn onto Dallas in the same direction he was traveling.

Hawkins braked to yield to the fire engine and a minivan traveling behind swerved to avoid hitting him. But a Ford truck behind the minivan was unable to stop in time, hitting Hawkins' vehicle.

Hawkins suffered a concussion and injuries to his neck and back that ultimately required cervical surgery.

Even so, his pain never went away, and it was the plaintiff's contention that he would require pain treatment "throughout the foreseeable future."

The truck's driver, Lafenta Collier, was cited for following too closely.



**I think we could have gotten \$10 million or more if we'd gone to trial, but that would have been years down the road. My client was interested in trying to get the case settled sooner rather than later so he could get on with his life."**

**—Ben Brodhead  
Plaintiffs attorney**

Collier was driving a commercial vehicle owned by The Juice Market Inc., and Brodhead said he filed a policy-limit demand for the available \$6 million in primary and umbrella insurance coverage with its carrier, Selective Way Insurance, which was declined.

There were "presuit offers of compromise," said Brodhead, but Selective Way "would not engage in discussions of settlement and compromise without full discovery."

In 2018 Hawkins sued Collier, Juice Market and the insurer in Fulton County state court.

Brodhead said discovery was nearly complete when the defense suggested mediation, which was held May 10 before Tom Tobin of Henning Mediation and Arbitration Services.

"Essentially, the circumstances of this collision left the defendants with no viable defense and no basis to impugn [Hawkins'] case," Brodhead said.

The defense "recognized that there was significant value in the case, but they believed that the value was not as high," he said.

Even so, he said the mediation "laid the groundwork" for the \$5 million settlement that was finalized last Thursday. A small circular logo with the letters "DB" inside.