

DAILY REPORT

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Spalding Jury Awards \$33M in Motorcycle Death

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In a decadelong case, a Spalding County State Court jury returned a \$33 million verdict Tuesday for the family of a man killed 14 years ago when a car turned left in front of his motorcycle.

The jury awarded: \$63,000 for medical and funeral expenses, \$3.25 million for general estate damages, \$4.1 million for wrongful death—loss of wages, and \$26 million for wrongful death—noneconomic value of the life of Daniel K. Mayfield Jr. He was 26, and left behind a young wife and son.

“This was a tragic case of a driver who turned left directly in front of a motorcyclist that she failed to see approaching,” Mayfield family attorney Ben Brodhead of Brodhead Law said Tuesday after the verdict. He tried the case with Ashley Fournet of his firm and solo Orlando Ojeda Jr. The team included Holli Clark of Brodhead Law. Cory Phillips of Forge Consulting is the estate administrator.

“The case was complicated by three independent witnesses who claimed that the motorcyclist was traveling at approximately 80 mph to 100 mph as he approached the intersection,” Brodhead said. But he said he was able to show inconsistencies in their testimony on cross-examination and establish that “no one observed the motorcycle’s



Left to right: Orlando Ojeda Jr.; Ashley Fournet; Ben Brodhead, Holli Clark; and Cory Phillips.

Courtesy photo

speed in the 10 seconds before the crash.” Brodhead added, “We contended that prior speeding provides no evidence of future speeding.”

The jury apportioned 3 percent of the fault to Mayfield and 97 percent to defendant Vickie Lynn Fain Kennison, the driver who turned left into the path of Mayfield’s motorcycle.

Brodhead said he made requests for the \$100,000 State Farm policy limit over the course of a decade of litigation.

Kennison’s defense team included William Dallas III and Karl Broder of Beck, Owen & Murray in Griffin. They contended that it was Mayfield who was at fault for the crash.

“We were disappointed with the jury’s verdict and are exploring our options,” Broder said Tuesday evening.

Brodhead said his team mock tried the case five times in front of eight or

nine juries over the past eight years. The trial started Feb. 18 before Judge Josh Thacker. The case went to the jury a week later. The jury deliberated about four hours.

Brodhead added, “We are very pleased that the jury recognized the dangers presented by left-turning drivers who fail to ensure the road is clear before turning.”

In addition to 97 percent of the verdict, Brodhead said he will be seeking to collect \$450,000 in prejudgment interest and \$13 million in legal fees and litigation expenses.

The case is *Mayfield v. Kennison*, No. 14SV-154.

Katheryn Hayes Tucker is an Atlanta-based reporter covering legal news for the Daily Report and other ALM publications.