

DAILY REPORT

Litigation Over Fatal Georgia Motorcycle Crash Reaches \$18M Settlement With State Farm

By Mason Lawlor

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The family of a motorcyclist killed in a 2020 crash on the Alpharetta Highway, north of Atlanta, has come to an \$18 million settlement with the defendant driver's insurer, State Farm, personal injury law firm Morgan & Morgan announced last week.

Attorneys filed a wrongful death complaint in February 2021, after Michael Hurley was hit by a driver making an illegal left turn before yielding, resulting in the fatal crash outside of an Arby's restaurant in Roswell, Georgia. The case was filed at the State Court of DeKalb County.

The other driver, Gordon Grainger, 71, was charged with second-degree homicide by vehicle and failure to yield.

Michael Hurley's brother, Scott Hurley, was represented by Evan Rosenberg of Morgan & Morgan, along with Ben Brodhead and Ashley Fournet of Brodhead Law in Atlanta.

"Mr. Hurley was a family man whose life was tragically cut short due to someone else's negligence," Rosenberg said in a press release. "I'm pleased the jury saw the truth in



Courtesy photos

L-R: Evan Rosenberg of Morgan & Morgan, Ben Brodhead and Ashley Fournet of Brodhead Law.

this case and that the defense finally agreed to resolve the lawsuit in a fair manner."

State Farm continually denied liability throughout years of litigation. Brodhead told the Daily Report that plaintiff counsel's main hurdle in the litigation was the defendant's "refusal to accept any fault for causing the subject collision."

The case went to trial with Judge Wayne M. Purdom presiding, and a jury eventually found 100% liability with Grainger, prompting State Farm to move forward with a settlement.



L-R: Michael Arndt, Orlando Ojeda and Holli Clark

After seeing video evidence that Grainger made a left turn without yielding to Hurley, the jury was able to place 100% of the fault on Grainger. However, attorneys were forced to wait until Grainger's criminal proceedings were wrapped up before police officials would release the accident footage.

According to the plaintiff's attorneys, defense counsel refused several settlement offers across the four years of litigation, including one initial offer of \$100,000. Ultimately, the sides were able to reach the \$18 million settlement mid-trial.

"The defense's refusal to accept liability in this case for years is truly perplexing," Brodhead and Fournet said in a statement. "The defendant driver even pled guilty to criminal

charges related to the incident, so I think their attempts to blame our client really rang hollow for the jurors."

The DeKalb County jury initially decided on a \$10 million award for the Hurley family, which led to State Farm finally moving to settle the case. Brodhead told the Daily Report that the litigation highlights significant flaws in how juries are instructed on Georgia law, as they are told to apply damages with "fairness to the defendants" as opposed to the full value of a plaintiff's loss.

"Damages are to be decided on the loss by a plaintiff's decedent, while the jury charge says damages must be fair to the defendants," Brodhead said.

These instructions to jurors create "pattern charges" that "misstate the law" by making damages dependent on the defense, as opposed to reflecting the value of someone's life, as in the case of Hurley, Brodhead explained.

"We will be doing our best to get those corrected as soon as possible so that trials can be conducted according to the true law of Georgia rather than pattern charges that are contrary to the law," Brodhead said.