

# VIRGINIA LAWYERS WEEKLY

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## Verdicts & Settlements

### Truck driver badly hurt after tire failed

#### **\$37,835,259.23 Verdict**

Robert Benedict, the plaintiff, had been employed as a commercial truck driver for a company named Essex Concrete. On Nov. 14, 2014, plaintiff departed on his route for the day, which involved driving a fully loaded cement mixer to a delivery site. While traveling northbound on Route 288, the right front steer tire of the cement truck experienced a catastrophic tread separation and air-out. This caused the vehicle to pull to the right and collide with an embankment. As a result of the collision, plaintiff suffered numerous injuries to include fractures of 12 ribs, three vertebrae, and his arm; a ruptured spleen and collapsed lung; brain injury; and permanent spinal cord injury causing quadriplegia. The tire had been manufactured by defendant Hankook Tire Company, Ltd., and distributed in the United States by its domestic subsidiary, Hankook Tire America Corporation.

At trial, plaintiff contended that the tire had been defectively manufactured in that there was incomplete adhesion between the internal components of the tire and the tire's inner liner was too thin to prevent excessive air permeation into the other rubber

components of the tire - thereby further deteriorating those components over time. The evidence at trial revealed that the tire was still well within its useful tread life at the time of the tread separation. Plaintiff established by stipulation that his past medical bills related to the incident were just under \$2.1 million, and elicited expert testimony that his future care needs would, when reduced to present value, cost approximately \$6.1 million. Plaintiff also established through expert testimony that his loss of past and future earnings would total approximately \$675,000. The defendants did not present any contradicting evidence on the issue of damages nor cross-examine any of plaintiff's damages witnesses.

Defendants claimed that the tire at issue was not defective and, in fact, had been well-manufactured. To this end, defendants also introduced evidence of their various quality assurance processes to further dispute any notion that the tire contained a manufacturing defect. Defendants contended that the cause of the catastrophic tread separation was the tire had suffered an impact with an unknown object approximately 200

miles prior to the tire's failure on Nov. 14, 2014.

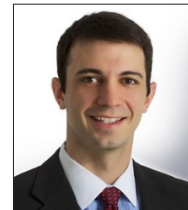
The trial took place in the federal district court Richmond and lasted five days. After deliberating for approximately six hours, the jury returned a verdict for the plaintiff in the amount of \$37,835,259.23.

See also the story, *Virginia Lawyers Weekly*, March 19, 2018

[18-T-043]



HALPERIN



MCBETH



LUCCHETTI



HALPERN

**Type of action:** Product Liability

**Injuries alleged:** Quadriplegia, ruptured spleen, stroke, 3 fractured vertebrae, 12 rib fractures, arm fractures, collapsed lung.

**Name of case:** Robert Benedict v. Hankook Tire Company Limited, et al

**Court:** U.S. District Court for the Eastern District of Va., Richmond

**Case no.:** 3:17CV109-REP

**Tried before:** Jury

**Name of judge:** Judge Robert E. Payne

**Date resolved:** March 9, 2018

**Special damages:** \$2.1 million past medical specials; \$6.1 million in future

care needs (reduced to present value); loss of earnings of \$675,000.

**Verdict or settlement:** Verdict

**Amount:** \$37,835,259.23

**Attorneys for plaintiff:** Jonathan E. Halperin, Isaac A. McBeth and Andrew Lucchetti, Glen Allen; Jay Halpern, Coral Gables, FL

**Attorneys for defendant:** Martin Conn, Matthew Hundley, Richmond; Joel Dewey, Baltimore, MD; T. Steven Har, New York, NY

**Plaintiff's experts:** David R. Southwell, M.E.; Craig Lichtblau, M.D.; Frederick Raffa, Ph.D.; William McKinley, M.D.; James Whelan, M.D.

**Defendant's experts:** Joseph A. Grant, B.S.