



The Voice

And The Defense Wins

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DRI members [Michael B. Langford](#) and [Renea Hooper](#) of the Indianapolis office of **Scopelitis, Garvin, Light, Hanson, & Feary, P.C.**, recently obtained a complete defense verdict in a double wrongful death case tried in state court in Terre Haute, Indiana.

The *Estate of Carder, et al. v. Gollmer and FAF, Inc.* involved a multi-vehicle crash. Prior to the crash, a tow truck driver had placed a disabled FAF tractor-trailer on the right shoulder of the interstate so the tow truck driver could tend to a stalled tractor-trailer in the right travel lane of the interstate. A FAF driver was a passenger in the tow truck when the tow truck driver positioned the FAF unit on the shoulder. In slowed traffic on eastbound Interstate 70 near Terre Haute, a different tractor trailer crashed into the rears of two separate pickup trucks. The force of those impacts drove one pickup truck under the FAF trailer and drove the other pickup into the FAF tractor, which caused that pickup truck to launch into the air and land upside down in a ravine.

Earlier in the litigation, the Estates settled with the motor carrier that had rear-ended them, with the tow truck company, with the stalled motor carrier that had brought interstate traffic to a crawl and with another motor carrier that made an emergency stop as it approached the stalled tractor trailer. Therefore, the only remaining defendant at trial was FAF and its driver. The plaintiffs were fault free. Thus, any finding of fault against FAF would result in damages being awarded to Plaintiffs.

Plaintiffs alleged that FAF and its driver were liable because (1) the FAF driver allowed the tow truck driver to place the disabled FAF unit on the interstate shoulder, making it vulnerable to collisions like this one; and (2) the FAF driver failed to place warning triangles behind the disabled FAF unit once it was on the interstate shoulder.

Defendants argued that the fault for the accident rested with the trucker who rear ended the vehicles, that the tow truck driver was acting as a Good Samaritan and the FAF driver did not have a legal duty to stop him from unhooking the FAF unit, and that the lack of warning devices behind the FAF unit was neither a regulatory violation nor the proximate cause of the accident.

After deliberating for two hours, the jury returned a unanimous verdict on liability for the defendants.

Mr. Langford has been a DRI member since 1996. Ms. Hooper is a member of the DRI Trucking Law Committee and Women in the Law Committee.

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