



And The Defense Wins

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Michael B. Langford



DRI member [Michael B. Langford](#) of the Indianapolis office of **Scopelitis, Garvin, Light, Hanson, & Feary, PC** recently obtained a complete defense verdict in a case involving a plaintiff who sustained double leg amputations. In *Betty Jordan and Ted Jordan v. Binns and US Xpress, Inc.*, the plaintiffs alleged that the US Xpress tractor-trailer unit drifted into the interstate lane being occupied by the plaintiff, Betty Jordan, who was on a motorcycle. Because of the contact between the vehicles, the plaintiff lost control of and separated from her motorcycle, and then slid down the interstate. Defendants contended that the plaintiff's motorcycle had left her lane and drifted into the US Xpress trailer as the vehicles came around a curve.

Both drivers testified that they were maintaining their respective lanes. There were no identified eyewitnesses to the accident. Accordingly, a thorough accident reconstruction was crucial. To illustrate the physical evidence, the defendants had a 1/18 scale interstate built, based on an aerial photo. Roadway markings were overlaid on the to-scale interstate. A 1/18 scale Harley Davidson Ultra Classic motorcycle was then placed on the interstate to show its travel path that could be gleaned from slide marks, tire marks and pools of blood. From defendants' perspective, this travel path demonstrated that the motorcycle had originally drifted into the trailer's lane.

The plaintiff incurred \$850,000 in medical expenses, 18 skin grafts and eventually underwent double leg amputations through the knees. The plaintiff, who was a veterinary technician and 48 years old at the time of the accident, also sought \$500,000 in future lost wages and \$300,000 to \$500,000 in future medical expenses. Plaintiffs' counsel asked the jury to return a verdict for the plaintiffs in excess of \$12 million.

After deliberating for about an hour, the jury returned a unanimous verdict on liability for the defendants.

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