

Driver awarded \$1.93M for dump truck crash with unlicensed driver

By: renee.sexton Renee Sexton October 28, 2019

A Charleston County jury has awarded a \$1.93 million verdict in favor of a driver who suffered neck injuries after being hit by a dump truck whose driver did not have a license.

Mark Bringardner of the Joye Law Firm in North Charleston said his client, Henry Dawson, suffered severe spinal injuries in his neck from the 2016 crash. Bringardner said Dawson, who was 45 at the time, was making a left turn at a green light at the intersection of Carolina Bay Drive and Highway 17 in Charleston when a dump truck hauling a wood chipper for a tree service company ran the red light and crashed into him.

The jury handed down its verdict against Bulmaro Martinez, Rogelio Martinez and Martinez Tree Service on Oct. 3, awarding Dawson \$1.13 million in actual damages and \$800,000 in punitive damages. Bringardner said the company knew that the driver, a cousin of the company's owner, didn't have a drivers' license, but it hired him and allowed him to drive a company vehicle anyway.

"They really didn't have any remorse for doing that at all, even though they knew it was a violation of the law," he said. "And I think that, at trial, when they testified about that, the jury did not appreciate that and wanted to make sure that my client was compensated fairly because of all the safety rule violations that they committed knowingly and with reckless disregard for public safety."

Bringardner said special damages included \$59,000 in past medical expenses, \$433,000 in future medical expenses, and \$20,000 in lost income. The verdict exceeded the demand of \$750,000, and the highest offer from the insurer, Progressive, was \$250,000.

Dawson was employed building Dreamliner airplanes at the Boeing plant in North Charleston and had to work through pain suffered in the crash, along with the limitations to his active lifestyle, Bringardner said.

"He was an avid biker. He was a Pee-Wee football coach, very active guy. He worked at Boeing at a very manual-intensive job. And every aspect of his life was compromised due to the neck injury he sustained in the collision. He wasn't able to ride his bike nearly as he was once able or as long distances. He wasn't able to lift weights or exercise," he said.

Two attempts at mediation were unsuccessful. Bringardner said he and his client didn't feel that Progressive was being fair and reasonable in its settlement offers, forcing the case to go to trial. Liability was admitted before the trial. He called it a "classic example of undervaluation of a case by a major insurance company that we had to take to trial."

"The jury verdict was almost 10 times the best offer in the case, so it just kind of goes to show that the jury system here is remarkable, and it's the most important right that we have is the right to civil jury trial guaranteed by the 7th Amendment so that we can get what's fair for our clients," he said.

Jeff Crudup of Clarkson Walsh & Coulter in Mount Pleasant represented the defendants. He could not be reached for comment.

VERDICT REPORT – MOTOR VEHICLE ACCIDENT

Amount: \$1.93 million (\$1.13 million actual damages, \$800,000 punitive damages)

Injuries alleged: Cervical spinal (neck) injury

Case name: *Henry Dawson, Jr. v. Bulmaro Martinez, Rogelio Martinez, and Martinez Tree Service*

Court: Charleston County Circuit Court

Case No.: 2017-CP-10-03050

Judge: Deadra L. Jefferson

Date of verdict: Oct. 3

Demand: \$750,000

Highest offer: \$250,000

Special damages: \$59,000 for past medical expenses, \$433,000 for future medical expenses, and \$20,000 for lost income

Insurance carrier: Progressive

Attorney for plaintiff: Mark Bringardner

Attorney for defendant: Jeff Crudup of Clarkson Walsh & Coulter in Mount Pleasant