

**MOTOR VEHICLE****Tractor-Trailer - Negligent Entrustment****Family left severely injured after 18-wheeler collision****SETTLEMENT** **\$9,300,000**

CASE Pedro Brito and Guadalupe Teran, Individually and as Next Friend of Hermelinda Teran, Marcos Teran, Meri Laura Teran and Joseph Teran, Minors, Jose Teran and Marie Teran Individually and as Next Friend of Alex Teran and Tania Christina Teran, Minors, Cleofas Alpizar, Individually and as Next Friend of Mario Ramirez and Juan Ramirez vs. Mission Petroleum Carriers, Michael John Corner, Donna Dollimont and Donald Stubbs

COURT Harris County District Court, 280th, TX

JUDGE Tony Lindsay

NEUTRAL William D. Bonham

DATE 01/25/1999

PLAINTIFF

ATTORNEY(S) **Michael D. Miller**, Miller, Criaco & Kelly, Houston, TX (Pedro Brito, Guadalupe Teran, Hermelinda Teran, Marcos Teran, Meri Laura Teran, Joseph Teran, Jose Teran, Marie Teran, Alex Teran, Tania Christina Teran, Cleofas Alpizar, Mario Ramirez, Juan Ramirez)

Peter M. Kelly, Miller, Criaco & Kelly, Houston, TX (Pedro Brito, Guadalupe Teran, Hermelinda Teran, Marcos Teran, Meri Laura Teran, Joseph Teran, Jose Teran, Marie Teran, Alex Teran, Tania Christina Teran, Cleofas Alpizar, Mario Ramirez, Juan Ramirez)

Jeffrey M. Stern, Stern of Stern & Miller, Houston, TX (Pedro Brito, Guadalupe Teran, Hermelinda Teran, Marcos Teran, Meri Laura Teran, Joseph Teran, Jose Teran, Marie Teran, Alex Teran, Tania Christina Teran, Cleofas Alpizar, Mario Ramirez, Juan Ramirez)

Carolyn C. Garcia, Garcia & Burke, Houston, TX (Guadalupe Teran, Hermelinda Teran, Marcos Teran, Meri Laura Teran, Joseph Teran, Jose Teran, Marie Teran, Alex Teran, Tania Christina Teran, Jose Teran children)

Alfred G. Leal, Leal & Associates, Houston, TX (Juan Ramirez, Mario Ramirez)

Leigh Faoro Saint-Germain, Houston, TX (Pedro Brito, Pedro Brito children)

DEFENSE
ATTORNEY(S)

William Book, Tekell, Book, Matthews & Limmer, L.L.P., Houston, TX (Michael John Corner, Mission Petroleum Carriers)

Kenneth Tekell Jr., Tekell, Book, Matthews & Limmer, Houston, TX (Mission Petroleum Carriers, Mission and Corner)

Norman E. Snyder, Tucker, Hendryx, Taunton, Snyder & Slade, Houston, TX (Mission Petroleum Carriers, Michael John Corner)

Stephen M. Schlacks, Law Offices of Stephen M. Schlacks, The Woodlands, TX (Donna Dollimont, Donald Stubbs, Stubbs and Dollimont)

William Harrison, Griggs & Harrison, Houston, TX (Mission Petroleum Carriers, Michael John Corner)

FACTS & ALLEGATIONS On May 26, 1996, on I-45 South at the Broadway overpass, traffic had slowed because Donald Stubbs, in his girlfriend's car, rear-ended another vehicle. Subsequently, Michael John Corner, driving a Mission Petroleum 18-wheeler, came over a hill and rear-ended the Teran family van, four cars behind the Stubbs' accident.

The plaintiffs sued claiming negligent entrustment against Donna Dollimont, owner of the car Stubbs was driving. They

also claimed that Corner was driving too fast, following too closely and that the truck was over legal weight. They also claimed negligent entrustment with regard to Corner.

Defendants Mission and Corner asserted negligence against the driver of the Teran van, who had no driver's license and had flunked the test twice. They also asserted that the accident was unavoidable and denied the truck was over legal weight.

Stubbs and Dollimont contended unavoidable accident, sudden emergency and they were not the sole proximate cause of the accident.

INJURIES/DAMAGES Guadalupe Teran sustained minor ankle and back injuries. Marcos Teran, 11, sustained a mild brain injury and had fractured eight thoracic vertebrae and will need an eight level fusion. His past medicals were \$55,000.

Hermalinda Teran, 13, sustained a broken arm. Joseph Teran, age 5, sustained a traumatic brain injury with severe deficit. His medicals were \$50,000. Meri Laura Teran, age 7, sustained permanent facial disfigurement resulting in the left side of her face drooping. Her medicals were \$40,000. Jose Teran sustained ankle and back injuries. Maria Teran sustained minor injuries.

Christina Teran, age 3, sustained a broken leg and brain injury resulting in some deficit. Her medicals were \$40,000. Alex Teran, age 8 months, sustained severe brain injury and will never function independently. His medicals were \$65,000. Cleofas Teran sustained minor leg and back injuries. Juan Teran sustained back injuries as well. Mario, age 8, sustained back injury and a concussion.

Plaintiffs' expert opined the present value of the life care plans for the five most severely injured children was approximately \$6 million.

VERDICT INFORMATION Stubbs and Dollimont were non-suited the day of trial.

According to Court records the case settled for a total of \$8,500,000, with \$3,650,000 going to the children of Guadalupe Teran and \$4,850,000 going to the children of Marie Teran. The remaining plaintiffs settled for a total of \$800,000.

DEMAND \$15 million
OFFER \$5.3 million pre-trial; \$6.8 million during trial

PLAINTIFF EXPERT(S)
Carl Hansen Ph.D., economics, Austin, TX (called by Michael D. Miller)
Gary Brock M.D., pediatric orthopedics, Houston, TX (called by Michael D. Miller)

Ian Bulter M.D., pediatric neurology, Houston, TX (called by Michael D. Miller)
Thomas Grubbs, traffic accident analysis, Houston, TX (called by Michael D. Miller)
Dianne Gutierrez, brain injury/trauma, Houston, TX (called by Michael D. Miller)
Susan Landry Ph.D., neuropsychology, Houston, TX (called by Michael D. Miller)
Kenneth McCoin Ph.D., economics, Houston, TX (called by Michael D. Miller)
Virginia Stegent, life care planning, Houston, TX (called by Michael D. Miller)
Cecil Lane, brakes, Phoenix, AZ (called by Michael D. Miller)

DEFENSE EXPERT(S)
David Rosenfield M.D., neurology, Houston, TX
Joe Hinton, traffic accident analysis

INSURER(S)
AIG (\$25 million excess) for Mission
United National (\$5 million excess) for Mission

Attorney's Fees \$3,640,000
Expenses \$200,000
The remaining \$5,260,000 was paid to the client and medical providers, if any.