

# Jury Awards \$58.5 Million in Fatal Truck Crash Lawsuit

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A jury in a Santa Fe, N.M. district court has awarded what's believed to be one of the largest judgments in New Mexico state history in a lawsuit stemming from a March 2010 crash involving a tractor-trailer that left one four-wheeler dead.

The incident occurred on U.S. 62/180 near Carlsbad, N.M., after a truck driver suddenly turned in front of Kevin Udy's pickup truck, causing him to strike the tractor's trailer. Udy died en route to the hospital.

In addition to the trucker, the defendants in the case included Standard E&S LLC, the trucking company that employed the driver; Zia Transport Inc., the owner of the semi-trailer truck; and Bergstein Enterprises Ltd., a management company. The company defendants provide trucking services to oil and gas operators in Southeastern New Mexico and Texas.

"Today a Santa Fe jury sent a clear message to the trucking industry, and to the oil and gas industry in particular, that those companies who choose not to follow safety rules and who place profits over human life, will be held accountable for the harm that they cause," said Bill Robins, of Heard Robins Cloud & Black LLP, lead plaintiff's attorney in the case.

A statement released by the law firm that filed the suit on behalf of the victim's estate and family said, "The evidence established that the truck driver was not adequately trained and was likely driving while fatigued, and that the company defendants repeatedly violated federal and state regulations applicable to their trucking operations."

According to published reports, Robins contends that the driver had inadequate training and experience to operate the tanker truck. He said the truck was improperly maintained and had a faulty tire and wasn't roadworthy.

Robins also said the policy of pay by the job, rather than pay by the hour, led to drivers who were in too much of a hurry, and that the company's drivers had many speeding tickets.

The jury found that the acts or omissions of the company defendants were malicious, willful, reckless or wanton, and as a result, found the company defendants liable for \$11.5 million in actual damages and \$47 million in punitive damages.

Published reports say the defense attorney, Randal Roberts, has yet to publically comment except to say he doesn't believe the evidence was "supportable" and will appeal.

In delivering its unanimous verdict, the jury read a statement to the court that stated in part: "Our hope is that our judgment will clearly communicate that we expect a much higher standard of safety and training in the trucking industry."

The truck driver, Monte Lyons, was found 1% negligent, while Bergstein Enterprises was found 70% negligent, Standard E&S 20% responsible and Zia Transport 9% negligent.