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Trucking case settles for \$14M

FRIED ROGERS GOLDBERG ATTORNEYS snag third multimillion-dollar settlement in S.C. this year

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JOSEPH A. FRIED of Fried Rogers Goldberg has reached a \$14.25 million settlement for a Georgia family in a South Carolina wrongful death case against a trucking company.

The details of the settlement were made public because of settlement requirements in South Carolina that differ from Georgia, where lawyers can simply withdraw lawsuits by saying they've been resolved and keep settlement terms confidential. In South Carolina, withdrawal of a wrongful death case must be approved by the courts, according to Fried. "South Carolina makes it very difficult to have confidential settlements because the court approvals are required," Fried said.

Because the case involved multiple plaintiffs and minor children, several court orders were required. Judge J. Michelle Childs of the United States District Court for the District of South Carolina approved the settlement in June. "It took forever to get the court to approve the



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Plaintiffs' attorney Joseph Fried said that although he is happy for his clients that the case is resolved, he thinks a trial would have resulted in "a much bigger verdict."

settlement," said Fried, who noted the parties reached an agreement in April.

The suit was filed on behalf of the family of the late Curtis L. Johnson, who was killed on his way to Myrtle Beach for a family vacation. The plaintiffs are Vickie F. Johnson, his widow, who was severely burned in the crash; and Angela C. Whitfield, Curtis Johnson's ex-wife and the mother of a 13-year-old daughter who was killed, Crystal A. Johnson.

Both plaintiffs have one minor child who survived the crash with serious injuries, according to the complaint. The defendant is Interstate Distributor Co., the Tacoma, Wash.-based owner of a truck driven by Paul A. Cardaropoli of Texas, who is a co-defendant.

Fried said Interstate is represented by R. Clay Porter of Dennis, Corry, Porter & Smith in Atlanta and Earl "Billy" W. Gunn of Weinberg Wheeler Hudgins Gunn & Dial. Interstate

was insured by Great West and Chartis. The defense attorneys declined to comment.

South Carolina solo practitioner Robert E. Lee served as local counsel for the plaintiffs.

Although the crash happened in October 2009, Fried said he delayed filing the case until June 2010 because of efforts to settle earlier. But pre-lawsuit mediation was not successful.

The settlement was reached as the case was nearing trial. It's the third multimillion-dollar settlement in South Carolina this year for attorneys from Fried Rogers Goldberg, Fried said.

"This is a very good result," Fried said. But he also noted, "It's a tragic, tragic story."

"The story begins on Oct. 1, 2009," Fried said. Johnson was driving a four-door pickup truck on a family vacation with his wife, their 4-year-old daughter, identified in the complaint as AJ, his daughter from his previous marriage, Crystal, and his son from his previous marriage, 14, identified as CJ.

Around 8 p.m., at dusk, Johnson drove onto the long, low Pee Dee River bridge near Florence. A dump truck stopped ahead. Johnson slowed down and signaled to change lanes. The tractor-trailer behind him didn't stop. The suit alleges that the driver, Cardaropoli, was "likely dialing" on a "new cell phone" with which he had "little experience."

"Defendant Cardaropoli violently and at highway speeds slams his tractor into the rear of the Johnson vehicle," the complaint states,

"pushing the Johnson vehicle up onto the bridge railing and causing it to burst into flames."

Fried said the hero of the story is the 14-year-old son. "CJ is momentarily knocked unconscious from the impact. When he comes to, the Johnson pick-up truck is on fire. Despite having a severely broken leg from the impact, CJ climbs out from the pick-up truck," the complaint states. Fried said that as the boy climbed out atop the truck teetering on the bridge rail, the door slammed down on his broken leg.



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Still, the complaint states, the boy "pulls Crystal from the burning truck through the rear passenger door. He gets AJ out of her car seat; and convinces Vickie, who is trying to rouse Curtis from unconsciousness, to get out of the truck before it is too late."

Fried said that as the boy pleaded with his stepmother to leave her

husband's side and get out of the truck, she was "literally burning." The boy was not able to remove his father from the truck.

The complaint continues with the story, "Vickie, CJ and AJ sit helplessly watching the truck burn, knowing that Curtis is inside. CJ sees the fire moving toward the area where he had left Crystal after pulling her out of the truck." As the fire engulfed the 13-year-old sister, her brother could not get to her. "Not knowing whether or not she is alive, CJ stares at Crystal to see if she flinches as her body burns."

Cardaropoli initially claimed his truck had a mechanical problem and so was never charged with anything more serious than a minor traffic offense, Fried said.

Fried said that although he is happy for the plaintiffs that the case is resolved, he wanted to go to court: "I do think the case would have resulted in a much bigger verdict."

The case is *Johnson v. Interstate Distributor Co.*, No. 4:10-cv-01485-JMC. 

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