

DAILY REPORT

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Truck Driver, GDOT Cleared of Liability in Fatal I-285 Wreck

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A FULTON COUNTY JURY cleared a truck driver and the Georgia Department of Transportation of liability for a fatal wreck that occurred when an SUV spun across rain-slicked I-285 and ended up facing an approaching tractor-trailer.

The accident left the driver of the Chevy Blazer with serious injuries to his hip and leg and killed his cousin, a passenger.

Weinberg, Wheeler, Hudgins, Gunn & Dial partner Brannon Arnold—who represented the trucker and his employer—said the case was complicated by evidence that the rig was traveling 10 miles over the speed limit just before the accident.

“That was a bad fact for us,” said Arnold, who tried the case with associate Anna Idelevich. “It was definitely a difficult case to try.”



JOHN DISNEY/ALM

Brannon Arnold (left) and Anna Idelevich.

Arnold said the plaintiff’s team asked for \$3.5 million in closing statements. In January, her client made a confidential settlement offer under Georgia’s offer of judgment statute, which allows a defendant whose offer is rejected and then receives a judgment 75 percent or less to move for attorney fees and expenses.

“We haven’t decided yet” whether to move for such fees, Arnold said.

Matthew Harman, who represented the plaintiff along with Harman Law colleague Eric Frederickson, agreed the case was challenging.

“This was a difficult case from the start, but our client was determined for the truth to

be known about this tragedy,” said Harman via email. “We’re obviously disappointed with the verdict, but we respect greatly the jury system. We are still considering our options for appeal.”

Assistant attorneys General Kristine Hayter and Ron Boyter represented GDOT. In an emailed statement, AG Chris Carr expressed appreciation “for the jury’s verdict and diligence in performing its civic duty.”

“We are proud of the hard work [Hayter and Boyter] put forth in this case,” Carr said.

According to Arnold and court filings, the accident occurred around noon on a weekday in May, 2009, when Keith Williams was attempting to use the cloverleaf exit from Langford Parkway to get onto I-285 in southwest Atlanta.

Williams’ filings said that, as he rounded the exit, he hit a pool of water and hydroplaned onto the expressway, sliding across several lanes of traffic and spinning into the path of a semi driven by Bryan Marchant.

Williams suffered a shattered pelvis, while his cousin and “best friend,” Josh Webb, was killed.

Williams sued Marchant and his employer, CRST Dedicated Services, and GDOT in Fulton County State Court in 2014.

GDOT was accused of failing to maintain the storm drains on the ramp, which the complaint said was “overgrown with shrubbery, foliage, and grass.”

Plaintiff’s filings accused Marchant of violating what was then the 55 mph speed limit, as well as federal trucking regulations requiring tractor-trailers to reduce their speed in inclement weather. Another allegation was that Marchant was in one of the expressway’s two left lanes, where trucks with more than six wheels are prohibited.



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— Brannon Arnold, partner,
Weinberg, Wheeler, Hudgins,
Gunn & Dial

GDOT’s filings lay the blame for the wreck squarely on William’s own negligence in negotiating the exit in the rain.

The CRST defendants also argued that Williams was to blame, including assertions that his 1996 Blazer was outfitted with “poorly maintained tires.”

During a six-day trial before Judge John Mather, Arnold said the co-defendants did not try to shift blame to the other.

“We were not pointing fingers at each other; we sort of had separate arguments,” Arnold said. “The plaintiff blamed his loss of control on the DOT; his argument against us was separate.”

“I argued that how he lost control did not matter for our purposes. How he ended up in the middle of the highway facing the wrong way was the issue,” Arnold said. “Even if our guy was going 100, but for the loss of control, this doesn’t happen.”

Arnold said eyewitness testimony rebutted William’s claim that Marchant was in a prohibited lane.

Williams presented evidence of about \$350,000 in medical bills, Arnold said, and there was expert testimony that he will likely need a hip replacement within the next 10 years.

Marchant suffered a health-related issue three days into the trial that required him to return to Florida for treatment, Arnold said.

“He left before he was called to testify; that was a real curveball for us,” she said. The plaintiff’s counsel instead introduced his deposition testimony into evidence.

On Feb. 21, the jury took less than two hours to deliver a defense verdict, Arnold said.

In conversation afterward, she said Marchant’s speed at the time of the accident “was a concern for them,” but the jury ultimately agreed Williams caused the wreck. 

