

DAILY REPORT

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Jury awards \$650K in motorcycle accident

DEFENSE HAD OFFERED \$50K in Macon County collision

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A MACON COUNTY Superior Court jury returned a verdict last week for \$650,000 to a motorcycle rider whose back was injured in a collision.

Plaintiff's co-counsel Eric Kimble Hunt—who tried the case with John D. Carey—said it was the largest verdict ever awarded in the south Georgia county, where the median household income was \$24,000 in the last Census. Both plaintiff's attorneys have offices in the city of Macon, north of Macon County. The plaintiff was Richard T. Hobbs, a 49-year-old truck driver who was riding a motorcycle on a country road when a Mazda driven by Brandon E. Noe, the 22-year-old defendant, entered the road to make a left turn.

The defense made a pre-trial offer of \$50,000, which the plaintiff rejected, Hunt said. No high-low limits were set. The case was tried before Southwestern



Eric Hunt

Judicial Circuit Superior Court Judge W. James Sizemore Jr., who presided at the Macon County Courthouse in Oglethorpe. Macon County Superior Court Clerk Juanita M. Laidler confirmed that the verdict was the largest she had seen in the county.

Hunt and Carey faced some challenges as the plaintiff's attorneys. Noe's defense attorneys, Thomas Peter Allen III and William H. Larsen, both of Martin Snow in the city of Macon, produced two expert witnesses, while the plaintiff had none.

According to Hunt, one of the defense experts, engineer and accident reconstructionist David Brown, testified that the crash was the plaintiff's fault because he was speeding and coming around a curve that made it impossible for the Mazda driver to see the bike. The other expert, physical therapist Jan Braunstein, testified that the plaintiff had not "made a reliable effort" to get back to work at his job as a truck driver.

However, the state trooper called to the scene testified that the crash was the defendant's fault for pulling in front of the motorcycle, Hunt said. The trooper also said that 147 feet of skid marks indicted Hobbs had tried to stop the bike. And a witness driving just ahead on the road who saw the crash in a rear-view mirror testified that the motorcycle rider could not have avoided hitting the Mazda that pulled into the road.

Hunt and Carey didn't bring in the doctor who had operated twice on Hobbs to repair the injured spine. Instead of expert medical testimony, they used the doctor's narrative notes.

"I was counting on the common sense of the south Georgia jury," Hunt said. "I

didn't think it took a college education to know what happened."

Allen said he hasn't decided yet whether to appeal the \$650,000 verdict.

"We are still considering our options," he said. "We haven't deemed it final, I can tell you that."

It was a rather young jury, with a 19- and a 20-year-old, which was not by the design of the plaintiff, Hunt said. The average age was 42. Hunt said some motorcycle riders were in the pool, but he did not think any made it to the jury. The jury was composed of seven women and five men, all African-American.

The trial started on Monday. The jury received the case on Wednesday at 5:15 p.m. They deliberated about two hours that evening, returned the next morning to deliberate for two more hours, then reached a verdict at 11:20 a.m. on Thursday, May 13.

Hunt said some jurors told him later they wanted the award to be enough to "take care of" his client.

"He's just a good ol' country boy that's been working ever since the 10th grade. He's been a truck driver his whole life," Hunt said.

Hobbs testified that he is still in significant pain from the back injury. He also broke his left foot and right leg in the crash, but those fractures healed fairly quickly.

Hunt said Hobbs first retained Carey, who brought in Hunt to assist. Hunt is five years out of Mercer Law School and said he has won every one of the 15 cases he has tried—and collected the awards.

Hunt attributes his success to the stories his clients have to tell. "The good Lord has blessed me with good clients," he said. "I pray a lot and have good clients." DR