

The Arkansas Jury Verdict Reporter

The Most Current and Complete Summary of Arkansas Jury Verdicts

September 2012

Statewide Jury Verdict Coverage

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Arkansas including court, division, presiding judge, parties, case number, attorneys and results. Notable regional results from Tennessee, Louisiana and Mississippi are also included.

Truck Negligence - A rogue trucker, poorly trained and suffering from driver fatigue, crossed the centerline and crashed into an oncoming tractor-trailer – that driver was trapped for a time as fire engulfed his big rig – while he was pulled from the fire, he died within an hour – in this lawsuit against the rogue, the estate (representing the man’s wife and kids) sought compensatory damages

Reagan v. Dunaway Timber,
3:10-3016

Plaintiff: J. Kent Emison, *Langston & Emison*, Lexington, MO, Robert C. Sullivan and George “Jed” Chronic, II, *Sullivan Bautista Morgan Allen & Chronic*, Kansas City, MO and Phillip J. Duncan, *Duncan Firm, P.A.*, Little Rock
Defense: Gill A. Rogers, *Larkowski & Rogers*, Little Rock and Richard E. Holiman, *Holiman Law Firm*, Little Rock

Verdict: \$7,000,000 for plaintiff

Court: **Harrison - Federal**

Judge: P.K. Holmes, II

Date: 11-10-11

Roger Reagan, age 42, operated a tractor-trailer on 9-3-08 near Yellville on U.S. 62. At the same time Morgan Quisenberry of Dunaway Timber (a Kentucky company) approached from the opposite direction – he was also in a tractor-trailer. Quisenberry lost control, crossed the centerline, and clipped a Jeep driven by Barry McCoy. Quisenberry struck another sedan before colliding hard with Reagan’s truck.

Reagan survived the initial collision with internal injuries, but he was trapped inside the tractor. A fire broke out, Reagan not being extricated until 20 minutes later. He suffered severe burns in the fire and died an hour later. Reagan was survived by his wife and two minor children.

In this lawsuit Reagan’s estate sought damages from Quisenberry and his employer. The liability theory moved beyond simple negligence by Quisenberry in crossing the centerline. There was proof Dunaway Timber should never have hired him in the first place.

Why so? Quisenberry was poorly trained and had a history of driving infractions. In fact this wreck happened on just his 19th day on the job. Dunaway Timber was also implicated for assigning Quisenberry a long run that day that necessitated him working excessive hours – thus at the time of the crash, Quisenberry was in his 13th hour on the road. The plaintiff developed this combination of facts (a poorly trained rogue driver suffering from fatigue) resulted in a so-called “recipe for disaster.” A truck safety expert for the estate was Phillip Smith, Tempe, AZ. A second accident expert was Mariusz Ziejewski, Fargo, ND.

Looking to damages, Reagan earned \$42,000 a year at his death – the estate’s economist was Jay Marsh, Little Rock. Beyond the economic loss, Reagan’s wife and children presented individual consortium claims.

Dunaway Timber defended the case and tended to implicate the duties of Barry McCoy in setting off this chain of events. While McCoy was not sued by the estate, he was brought in by Dunaway Timber as a third-party defendant. The defense trucking expert (who expounded on McCoy’s fault) was Steve Jackson, Hot Springs.

Have you tried a case lately? We are traveling all over the state and communicating with court personnel, but if we know about a verdict, we'll get on it right away

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Arkansas Jury Verdict Reporter**

Case Style _____

Jurisdiction _____ Case Number _____

Trial Judge _____ Date Verdict _____

Verdict _____

For plaintiff _____ (Name, City, Firm)

For defense _____ (Name, City, Firm)

Fact Summary _____

Injury/Damages _____

Submitted by: _____

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John Daws, Phoenix, AZ, suggested the tire had plenty of tread and linked its failure to an impact fracture. Harbin also described that following the blow-out, he pulled completely off the road – he also denied that he didn't have enough time (before Buck passed the scene) to place warning triangles.

This case was tried for five days. The jury's verdict was mixed and a bit confused. It found that neither Eagle Systems nor Harbin were at fault. The answer was "yes" that Buck was negligent.

Turning to the confusing part and

despite having exonerated both defendants, the jury then went to comparative fault. It apportioned fault 80% to the plaintiff and the remaining 20% to Harbin who it had already found was not at fault. The peculiar verdict form continued, the jury finally writing in "0" for Buck's damages. A defense judgment was entered. When the record was reviewed, no post-trial motions had been filed.

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