

PENNSYLVANIA

PHILADELPHIA

TRANSPORTATION

Trucking — Wrongful Death — Survival Damages — Vicarious Liability

Mechanic was killed instantly when tractor-trailer fell on him

MIXED VERDICT \$3,493,569

CASE Katrina Conlon, individually and as administratrix of the Estate of Jared Lee Conlon, deceased v. Trans National Trucking LLC, William Bradley McDaniels and Cornelius Carlos Hart, No. 2:09-cv-05362-CSMW

COURT U.S. District Court, Eastern District of Pennsylvania, Philadelphia

JUDGE Carol Sandra Moore

DATE 6/30/2011

PLAINTIFF

ATTORNEY(S) David J. Colleran, The Colleran Firm, Philadelphia, PA

DEFENSE

ATTORNEY(S) Marc F. Ullom, Rawle & Henderson, LLP, Philadelphia, PA

FACTS & ALLEGATIONS On Aug. 18, 2008, plaintiff's decedent Jared Conlon, 26, a mobile mechanic, died while repairing a tractor-trailer that had been pulled over by state police, in Breezewood. The truck had failed a safety inspection by a state police officer, who cited fault with the vehicle's braking system. The tractor-trailer was driven by Cornelius Carlos Hart and William Bradley McDaniels, who were driving in the course and scope of their employment with Trans National Trucking LLC.

Conlon's widow alleged that, while her husband was performing brake repairs on the truck, Conlon raised the right rear corner of the vehicle up on a bottle jack and asked Hart to bleed out air from the brake lines by tapping on the brakes. Two hours later, after working on the vehicle, Conlon asked Hart to start the truck in order to get pressure back into the brake line. Conlon's widow claimed that when Hart started the truck, he failed to ensure it was in neutral, thereby causing it to lurch forward five to six feet upon starting. This caused the tractor-trailer to fall from its bottle jack onto Conlon, who was under the rear wheels at the time and died instantly.

Conlon's widow sued Hart, Trans National Trucking and

McDaniels (who was voluntarily dismissed prior to jury selection), for wrongful death.

According to the plaintiffs' trucking industry expert, commercial truck drivers are always trained to take a truck out of gear before starting it, and the accident was therefore entirely the result of Hart's negligence.

The defendants denied the allegations and maintained that the plaintiff was comparatively negligent. The defense argued that Conlon remained in charge of the service and repair work, and he told Hart to get into the cab and start the engine during his post-repair inspection of the tractor. Knowing that he had instructed Hart to get into the cab and start the tractor, and at obvious and serious risk to himself, Conlon then immediately placed his own body underneath the frame of the tractor, at which time the tractor came off the bottle jack; as a result, Conlon was fatally struck by the frame of the tractor. Counsel asserted that Conlon did not chock the wheels, use jack stands, or otherwise safely secure the tractor for his repair work in the manner required by common sense and the recognized standards of his profession.

INJURIES/DAMAGES *crush injury; death; loss of consortium; multiple trauma*

Conlon was survived by a wife and two children, ages 3 and 8. Conlon's widow testified that she had initiated divorce proceedings, but that the couple were in the process of reconciling at the time of Conlon's death. She testified that they were to spend the weekend together in South Carolina just five days after his death and were poised to inform the court that the divorce proceedings should be canceled. Throughout the divorce proceedings, Conlon maintained close ties with his sons and consistently made support payments, said the widow.

RESULT The jury found that Hart was 100-percent liable for the negligence that was a cause of Conlon's harm. No contributory negligence was found against Conlon. The plaintiffs were awarded \$3,493,569.

DEMAND \$1,000,000
OFFER \$100,000

TRIAL DETAILS Trial Length: 3 days
Trial Deliberations: 5 hours
Jury Vote: unanimous

PLAINTIFF
EXPERT(S) Brooks Rugemer, trucking industry, Lancaster, PA
David L. Hopkins, A.S.A., economics, King of Prussia, PA

DEFENSE
EXPERT(S) None reported

POST-TRIAL Judge Carol Sandra Moore granted the plaintiff's motion for delay damages in the amount of \$111,030.86. Defense counsel then filed a motion for a new trial.

EDITOR'S NOTE This report is based on court documents, an article previously published by the Legal Intelligencer and information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

-Aaron Jenkins

Plaintiff Expert:
Brooks Rugemer, Commercial Trucking Specialist

Robson Forensic
Engineers, Architects, Scientists & Fire Investigators