

**JANE DOE, individually and as Personal
Representative of the Estate of JOHN DOE, deceased,
Plaintiffs,**

vs.

**MOTOR CARRIER COMPANY
and EMPLOYEE DRIVER, Defendants.**

Car Struck Head-On: Failure To Pass Safely: Vicarious Liability: Wrongful Death Action --- Florida. Case resolved in October, 2007. John Doe was driving a in his vehicle heading westbound in a rural section of Florida, where the road contains only a single lane of travel in each direction. Employee Driver entered the eastbound lane of oncoming traffic in an attempt to pass vehicles ahead of him and caused the truck he was operating, and which was owned by Defendant Motor Carrier Company, to collide head-on with the vehicle driven by John Doe. During the crash sequence, John Doe suffered injuries which resulted in his death.

John Doe was survived by Jane Doe, his spouse of 14 years. Prior to his death, John was earning approximately \$45,000 annually. Funeral expenses totaled approximately \$10,000. John's spouse and estate filed a wrongful death action against the driver of the truck vehicle alleging failure to pass safely. Suit was also filed against the motor carrier company alleging vicarious liability under the Dangerous Instrumentality Doctrine and direct negligence alleging: failure to properly maintain the vehicle, negligent hiring, supervision, training and retention of employee driver. At time of settlement, a Motion to Amend Complaint to Allege Punitive Damages was pending based on pretrial discovery plaintiff alleged showed gross negligence. A Motion For Negative Presumptions and Sanctions Due to Spoliation of Evidence was also pending based on defendant's alleged failure to preserve employee driver's blood alcohol level through DOT required alcohol testing.

The parties settled at mediation for a total amount of \$4.88 Million Dollars for release of all Plaintiffs' claims. As part of the settlement, plaintiff agreed to maintain the names of the defendants and all other aspects of the settlement other than as contained herein confidential.

Plaintiffs' Counsel -- Joseph P. D'Ambrosio of The Law Firm of Joseph P. D'Ambrosio, P.A., Boca Raton, Florida and Sean L. Wilson of The Law Firm of Sean L. Wilson P.A., Boca Raton, Florida (co-counsel).