

**JOHN DOE, as Personal Representative of the Estate of  
JANE DOE, deceased, Plaintiff,  
vs.  
ABC TRUCKING, INC. and JOHN SMITH, Defendants.**

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**Car Struck From Behind: Careless Driving: Negligent Entrustment: Vicarious Liability: Punitive Damages: Wrongful Death Action** --- Florida. Case resolved October, 2008. (Names have been changed due to confidentiality restrictions). On the date of the accident, Jane Doe, 31, was traveling with her family to Martin County to attend a religious retreat sponsored by the Archdiocese of Palm Beach County and her sister's church. In the car with her was her companion of 10 years, John Doe (34); their three daughters and their newborn son.

John Smith was driving a tractor trailer owned by ABC Trucking, Inc. heading eastbound behind the Doe Family when he collided with the rear of their vehicle. Investigation by our law firm revealed John Smith was not looking at the road in front of him when the crash occurred, but rather, was bending forward to the floor of the passenger compartment trying to reach a beverage he had dropped. He was literally "driving blind" while at the controls of a 50,000+ pound vehicle traveling between 70 and 75 MPH. During the crash sequence, Jane Doe suffered injuries which resulted in her death.

Through the below law firm John Doe, on behalf of the surviving children, filed a wrongful death claim against driver John Smith and owner of the vehicle, ABC Trucking, alleging the following: negligence on the part John Smith for failure to operate the vehicle safely; vicarious liability on the part of ABC Trucking under the Dangerous Instrumentality Doctrine, direct negligence of ABC Trucking alleging a failure to properly maintain the vehicle, and the negligent hiring, supervision, training and retention of driver John Smith. A claim for punitive damages was also made alleging gross negligence on the part of ABC Trucking under the following federal and state commercial motor vehicle statutes: 1) hours of service violations under Florida Statute §316.302 (safety of commercial motor vehicles and allowable number of on duty driver hours) and Part 395 of the Federal Motor Carrier Safety Regulations (49 CFR 395 et seq); and 2) Violation under §49 CFR 383.31 (notification of convictions for driver violations).

**After demand, the parties settled for a total amount of One Million Dollars (\$1,000,000.00) for release of all Plaintiffs' claims.**

**Plaintiffs' Counsel -- Joseph P. D'Ambrosio, Esq. and Sean Wilson, Esq. of  
The Law Firm of D'Ambrosio & Wilson, Delray Beach, Florida.**