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The Voice

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Melissa Thompson Richardson, Drew Meadows, Carmine Iaccarino, Jeremiah Byrne, and Andrew Palmer

DRI members **Melissa Thompson Richardson**, **Drew Meadows**, and **Carmine Iaccarino** of **Walters Meadows Richardson PLLC** in Lexington, Kentucky, and **Jeremiah Byrne** and **Andrew Palmer** of **Frost Brown Todd** in Louisville, Kentucky, represented the defendants following an accident in which a truck and motorcycle collided.

On May 20, 2014, Pam Lane and her husband, Matt Lane, were driving their motorcycle on Hwy 30 in Owsley County. The speed limit on the roadway is 55 mph but the area where the accident happened had an advisory speed of 25 mph. Matt Lane was driving 40+ mph around a sharp, blind curve when he lost control and slid across the yellow line and under a large tree trimming truck driven by James Baker. The truck was pulling a wood chipper. Baker saw the motorcycle lose control and immediately steered to the right, into a ditch, and up against a mountain. Matt Lane was killed instantly. Pam Lane had a traumatic leg amputation as a result of the accident.

Plaintiff initially claimed that Baker was in the middle of the road and that, as a result, when Lane came around the curve, he was scared by the truck and laid the motorcycle down. This theory was based on an expert's theory was that if you simply backed the truck/chipper up a few feet, it would definitively prove that Baker was across the road. The defense expert pointed out the flaws in this "innovative" theory. He indicated that the pre-impact brake marks proved that the truck was not over the center line as the truck could not have possibly gone into the ditch as quickly as it did had it been on the opposite side of the road. With that theory weakened significantly, the plaintiff's expert came up with a second theory—that the brakes were defective in the truck. Again, the defense expert pointed out the numerous problems with this.

Plaintiffs also advanced a post-incident conspiracy theory suggesting that W.A. Kendall was trying to hide the truck/chipper involved in the accident; this was pushed due to errors in the paperwork that is done by the individual employees who use the truck involved in the accident. It is worth noting that this truck was in fact a spare truck and was not used on a daily basis. This truck was only used by Baker on the date in question. Plaintiffs also claimed that WMR's hiring of the defense expert to go to the scene the day after the accident was further proof of

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the conspiracy. Plaintiffs also took issue with the drug test that the company administered to Baker on the night of the accident. When the test gave negative results, the urine was poured out. Plaintiffs claimed that the W.A. Kendall employees should have preserved the urine.

A jury of 12 women deliberated for approximately three hours and returned a 9-3 complete defense verdict in favor of Baker and W.A. Kendall.

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