

THE TOP 100

VERDICTS OF 2012

Every year, *The National Law Journal's* VerdictSearch affiliate scours the nation's court records in search of the largest verdicts; it also consults with practitioners and with additional ALM Media LLC publications. The key here is what the jury awarded; this list does not account for judicial reductions, offsets or appeals.

RANK	AMOUNT	TYPE	NAME/COURT/DATE	LEAD PLAINTIFFS' ATTORNEY(S)/FIRM(S)	LEAD DEFENSE ATTORNEY(S)/FIRM(S)
85	\$21,544,873	Motor vehicle	Chatman-Wilson v. Cabral, Nueces Co., Texas, Ct. At Law No. 2, 10-61510-2, 05/04/2012	Robert C. Hilliard, Hilliard Munoz Gonzales, Corpus Christi, Texas; Thomas J. Henry, Law Offices of Thomas J. Henry, Corpus Christi	Darrell Barger, Hartline Dacus Barger Dreyer, Corpus Christi

INTERSECTION — MOTOR VEHICLE — CELL PHONE — MOTOR VEHICLE — LEFT TURN — WORKER/WORKPLACE NEGLIGENCE — NEGLIGENT TRAINING — WORKER/WORKPLACE NEGLIGENCE — NEGLIGENT SUPERVISION — AGENCY/APPEARANT AGENCY — VICARIOUS LIABILITY

Coca-Cola allowed its drivers to use phones while driving

VERDICT \$21,544,873

CASE Vanice Chatman-Wilson v. Araceli Venessa Cabral and Coca-Cola Enterprises, Inc.,
No. 10-61510-2

COURT Nueces County Court at Law No. 2, TX

JUDGE Lisa Gonzales

DATE 5/4/2012

PLAINTIFF ATTORNEY(S) Robert C. Hilliard, Hilliard Munoz Gonzales, Corpus Christi, Texas; Thomas J. Henry, Law Offices of Thomas J. Henry, Corpus Christi

DEFENSE ATTORNEY(S) Darrell Barger, Hartline Dacus Barger Dreyer, Corpus Christi

FACTS & ALLEGATIONS On Aug. 3, 2010, plaintiff Vanice Chatman-Wilson, 37, a financing employee, was driving a sedan heading west on Leopard Street through its intersection with McKenzie Road, in Corpus Christi. Araceli Venessa Cabral was driving a Coca-Cola Enterprises Inc. truck, taking a left turn from Leopard Street onto McKenzie Road, and struck the driver side of the plaintiff's vehicle. Chatman-Wilson sustained shoulder, neck, arm and back injuries. Cabral was using a hands-free cell phone headset.

Chatman-Wilson sued Coca-Cola and Cabral contending that Cabral was negligent in the operation of the vehicle for failing to properly execute a left turn, and that Coca-Cola was vicariously liable and negligent in the training, supervision and management of the employee.

Chatman-Wilson contended that Cabral was talking on a cell phone at the time of the accident, and that the investing officer found her at fault for failing to yield the right-of-way while turning left.

Plaintiff's counsel maintained that Coca-Cola had a negligent policy in place that allowed employees to talk on their hands-free phones while driving company vehicles. Coca-Cola should not have allowed Cabral to talk on her phone while driving, and that failure to train employees not to do so was negligent, counsel argued.

The defendants contended that, while the company's driver was responsible for the accident, the driver's use of the cell phone was not the proximate cause of the accident. Coca-Cola conceded that employees are required to use hands-free devices when operating a motor vehicle, but contended that the policy was consistent with state traffic laws, and exceeded state law safety requirements.

INJURIES/DAMAGES *chiropractic; contusion; discectomy; hardware implanted; herniated disc at L4-5; physical therapy; trigger point injection; whiplash*

Chatman-Wilson sustained a herniation at L4-5, contusions of her torso, arms and legs, and soft-tissue whiplash injuries of the neck and back. After the accident she drove home, but within hours drove herself to the emergency room. She underwent conservative treatment for six months, including physical therapy and chiropractic sessions three to four times a week and four trigger point injections. In February 2011, she underwent a discectomy with instrumentation at L4-5. Chatman-Wilson underwent another course

of physical therapy and continued to treat with an orthopedist approximately once a month.

Chatman-Wilson claimed to sustain pain and limitation in her neck, which caused pain when standing or sitting for lengthy periods of time. Following the accident, she returned to work for approximately a week, but claimed she was unable to continue thereafter due to the injuries. She claimed the injuries also rendered her unable to exercise, or perform her household chores, such as cooking, cleaning and caring for her children.

The plaintiff's vocational rehabilitation expert opined that the injuries were permanent and she would never be able to return to work, which would cost some \$900,000 in future medical expenses. She sought recovery for past and future pain and suffering, along with lost wages and medical costs. She also sought punitive damages, arguing that the company's policy regarding cellular phones was reckless and called for a ban on using a cell phone while driving.

The defense vocational rehabilitation expert contended that Chatman-Wilson was able to return to work. The defendants asked the jury to award between \$300,000 and \$400,000 for her claim. Defense counsel argued that the cell phone policy was reasonable, making punitive damages unnecessary.

RESULT The jury found for the plaintiff and awarded Chatman-Wilson \$21,544,873.

VANICE CHATMAN-WILSON

\$149,873 past medical cost
\$45,000 past lost earnings
\$900,000 future lost earnings
\$10,000,000 punitive damages
\$1,000,000 future disfigurement
\$300,000 past physical pain and mental anguish
\$500,000 past physical impairment
\$5,000,000 future physical pain and mental anguish
\$3,000,000 future physical impairment
\$650,000 past disfigurement
\$21,544,873

TRIAL DETAILS Trial Length: 4 days
Trial Deliberations: 6 hours

PLAINTIFF EXPERT(S) Carmen Daecher, trucking industry, Camp Hill, PA
Viola G. Lopez, L.P.C., C.R.C., life care planning, Houston, TX

DEFENSE EXPERT(S) Everett G. Dillman, Ph.D., economic analysis, El Paso, TX

POST-TRIAL The defendants plan to appeal the case.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's and defendant's counsel.

—Max Mitchell