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# Trial

November 2019

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# Trial®

## VERDICTS & SETTLEMENTS

# NEGLIGENT OPERATION OF SEMI-TRUCKS

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November 2019

Three commercial drivers for Smoot Brothers Transportation—James Decou, Peter Barnes, and Corey Frew—were each operating a semi-truck and traveling together on a westbound two-lane Oregon road. Commercial driver Jonathan Hogaboom was on the same road transporting a 45-foot luxury motor coach to a dealership. As the four drivers proceeded, they began racing, speeding, passing one another, and slowing down to prevent each other from passing.

Decou attempted to pass Hogaboom, who sped up and slowed down, trapping Decou in the eastbound lane. Decou then collided head-on with a vehicle driven by Sara Allison, 30. She suffered fatal injuries and died at the scene.

Sara Allison's husband, Matthew, 27, was also in the car and suffered fractured ribs and a lacerated spleen, requiring surgery. His medical expenses were almost \$203,000. Sara had been Matthew's caregiver and supported her family working as a pharmacy technician earning approximately \$35,000 annually.

Matthew, individually, and Sara's estate sued Smoot Enterprises Inc.; Decou; Barnes; Hogaboom; and Horizon Transport, Inc. (Hogaboom's employer), under a vicarious liability theory, alleging negligent operation of the semi-trucks. Smoot admitted fault for the actions of its drivers, and the court granted the plaintiffs summary judgment, finding that Horizon Transport was vicariously liable for Hogaboom.

The jury awarded the plaintiffs more than \$26.48 million, including \$5 million in punitive damages against Horizon Transport and \$1.5 million in punitive damages against Smoot.

**Citation:** *Allison v. Smoot Enters. Inc.*, No. 2:17-cv-01598-SU (D. Or. Apr. 30, 2019).

**Plaintiff counsel:** AAJ members Thomas D'Amore and Kathryn Clarke, both of Portland, Ore.; AAJ members Douglas Oh-Keith and Amy Bruning, both of Lake Oswego, Ore.; and AAJ member Steven Brady, San Rafael, Calif.

**Plaintiff experts:** V. Paul Herbert, trucking, Quincy, Calif.; Thomas Fries, accident reconstruction, and Patrick Emerson, economics, Portland; and Karen Yates, life care planning, Tualatin, Ore.

**Defense experts:** Michael Stupfel, accident reconstruction, Salem, Ore.; Keith Cronrath, accident reconstruction, Battle Ground, Wash.; Katharyn Thompson, economics, Lake Oswego; and William Skilling, life care planning, Seattle.

777 6TH STREET, NW, SUITE 200 WASHINGTON, DC 20001

800.424.2725 | 202.965.3500

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