

\$1.3M settlement after man killed by trailer

■ BY RENEE SEXTON
rsexton@scbiznews.com

The family of a man who was killed when the van he was riding in crashed into an empty car-hauler trailer that had been allowed to come to rest in the lane of a highway has received a \$1.3 million settlement for wrongful death and serious injury, the plaintiffs' attorneys report.



Chris Hart

Chris Hart of Columbia and Shean Williams and Gary Andrews of the Cochran Firm in Atlanta report that the family of Alfred Jackson sued the at-fault driver, Jerome McWilliams, for Jackson's death and the injuries to other members of the family who were involved in the crash.

Hart said that Jackson and his family were on their way home from a Thanksgiving dinner when their passenger van crashed into the car-hauler trailer--a flatbed used to carry a single vehicle--on Interstate 20 in Lexington County.

McWilliams had pulled his vehicle off the side of the highway but a good portion of the trailer was left in the roadway, and he did not place warning placards on the road, Hart said. Jackson, who was in the front passenger seat, died at the scene. Hart described his injuries as "horrific."

Hart said that McWilliams was being paid \$250 to drive the trailer throughout the state for another driver, Michael Brown, whose federal motor carrier placard was displayed in the truck at the time of the crash.

"It's sad that someone had to lose their life over a \$250 payment," Hart said. "Hopefully, this will be a warning to other commercial motor vehicle drivers to take the precaution necessary to avoid collisions."

McWilliams had a policy with Trustgard for \$1 million, which paid the full policy limits. The family's uninsured motorist coverage paid an additional \$300,000.

SETTLEMENT REPORT – WRONGFUL DEATH

Amount: \$1.3 million

Injuries alleged: Death and serious injury

Case name: *Sharon Collins, Dorothy Jackson, as Executor of Estate of Alfred Jackson v. Jerome McWilliams et al.*

Court: Allendale County Circuit Court

Case No.: 2016-CP-03-00124

Judge: Jennifer McCoy

Date of settlement: Dec. 3, 2019

Insurance carrier: Trustgard

Attorneys for plaintiff: Chris Hart of Columbia and Shean Williams and Gary Andrews of the Cochran Firm in Atlanta

Attorneys for defendant: Ron Diegel and Kerri Rupert of Murphy & Grantland in Columbia and Jack Daniel of Copeland Stair Kingma & Lovell in Charleston

The family is also currently pursuing a case against Brown in state court. As a regulated motor carrier, Brown was required by federal law to carry certain insurance. Trustgard, which, coincidentally, also insures Brown, sought a declaratory judgment in federal court that it was not liable to pay for any damages caused by Brown's role in the accident. A federal judge ruled in favor of Trustgard, but in November the 4th Circuit vacated the ruling, saying that federal courts should not have exercised any jurisdiction over the dispute before the state court proceedings have concluded.

The plaintiffs filed their suit in Allendale County, where both of the defendants are from. Ron Diegel and Kerri Rupert of Murphy & Grantland in Columbia and Jack Daniel of Copeland Stair Kingma & Lovell in Charleston represented the defendant. They did not respond to a request for comment.

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