



PRESS RELEASE

TRUCK VERDICT: \$25 MILLION

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GAINESVILLE, FLORIDA — On October 5, 2018, only five days after attorney Rich Newsome picked a jury in Gainesville, Florida, the jury returned a 25 million dollar verdict for the wrongful death of 20 year old Abby Dougherty. A student at the University of Florida, Dougherty was riding her bike through a busy intersection near the University when she was killed after colliding with a WCA garbage truck.

After the verdict, Newsome said, “this was a difficult case because the defense told the jury Abby had taken cocaine and alcohol before the crash and only had three hours of sleep the night before. They argued that Abby was impaired at the time of the collision and was 100% at fault for her own death.”

During trial a University of Florida Toxicologist testified Dougherty had, in fact, consumed alcohol and cocaine the night before, and had possibly taken cocaine again that morning a few hours before the crash. Plaintiffs called a toxicology expert, Dr. William Sawyer, who testified that while Dougherty had cocaine and alcohol in her system at the time of the crash, she was not impaired and that the cocaine and alcohol did not contribute to the crash.

“We conceded that Abby had used cocaine and alcohol the night before the crash but argued strenuously that it had absolutely zero impact on the cause of the crash” said Plaintiffs’ attorney Brian Beason, who tried the case with Newsome, Cort Frohlich and Chris Frohlich.

Plaintiff’s main liability expert was engineer Bryant Buchner, who testified that the garbage truck driver drove too quickly through the intersection and failed to properly check his mirrors. Buchner did a field-of-vision study he showed the jury explaining what the driver would have seen in his mirrors if he had looked before the crash. The Plaintiffs’ team argued that if the driver had checked his mirrors as he approached the intersection, or slowed down instead of speeding up, he would not have killed Dougherty.

During closing arguments, Newsome argued that the jury should consider placing some comparative fault on Abby Dougherty. “There’s no question that a cyclist should be careful while driving through a busy intersection” said Newsome. But, he said, “when weighing the totality of the evidence, I suggested to the jury that they should find that Abby was not impaired and that the majority of fault for her death should be placed on the WCA driver.”

Late Friday, after almost five and a half hours of deliberation the jury found that Dougherty was not impaired at the time of the crash. They placed 80% of the fault on the WCA driver, and 20% on Dougherty. There was no claim for economic damages, and the jury awarded \$12,500,000 in non-economic damages to each of Dougherty’s parents for a total verdict of \$25,000,000.