
WORKPLACE SAFETY

18-wheeler pinned worker to loading dock wall during delivery

MEDIATION	\$300,000
CASE	John Doe vs. ABC Trucking Company
COURT	Court not specified, TX
NEUTRAL(S)	Mary Burdin
PLAINTIFF ATTORNEY(S)	E. Michael Grossman; Grossman Law Offices, P.C.; Dallas, TX John W. Pate, Grossman Law Offices, P.C., Dallas, TX
DEFENSE ATTORNEY(S)	Attorney not disclosed

FACTS & ALLEGATIONS

On January, 23, 2003, 50-year-old plaintiff, a loading/unloading dock employee at Equipment & Supply Co. in the DFW area, volunteered to help direct the driver of an 18-wheeler that was backing into the docking bay to make a delivery. Plaintiff, who had worked at the docking bay for several years, approached the driver and told him that he needed to pull forward and re-align the trailer to make the delivery easier. He then positioned himself on top of the docking bay, leaning out to give hand signals as the driver backed up a second time.

The driver claimed that he lost sight of the plaintiff as he was backing up, but stopped the truck when he believed he had backed up far enough to make the delivery. He exited the cab of the truck and walked around the trailer to find the plaintiff pinned between the trailer and a wall adjacent to the docking bay. He immediately returned to the cab and pulled the truck forward, causing the plaintiff to fall to the ground, bleeding from the mouth and ears. The case went to mediation.

Plaintiff's counsel claimed that the driver failed to maintain a proper lookout and failed to back the trailer up in accordance

with safety standards and practices expected of a professional truck driver. The driver, argued plaintiff's attorney, should not have allowed the plaintiff to stand directly behind the trailer as it was driving in reverse and should have stopped backing up the instant he lost sight of the plaintiff.

The defendants contended that the plaintiff was the sole proximate cause for the accident. They argued that he put himself in danger by standing behind the trailer. The defendants further asserted that the plaintiff should have moved as the trailer moved in on him.

INJURIES/DAMAGES

coma; fracture, facial bones; fracture, skull; vision, partial loss of hearing

After the accident, the unconscious plaintiff was taken by ambulance to the hospital, where he remained in a coma for three weeks. When he woke, he had no memory of the accident. He sustained numerous facial and skull fractures and underwent multiple surgeries to his head, eyes, and torso. He suffered permanent loss of some peripheral vision, a loss of sensation in the right side of his face and uncontrollable tearing from his right eye.

The plaintiff incurred \$260,000 in past medical expenses. He was out of work for two years before returning to the same type of job, and he sought \$50,000 in past lost income. He also sought an unspecified amount in damages for past and future physical pain and mental anguish, impairment and disfigurement.

The defense did not dispute the nature of the extent of the injuries.

RESULT

The defendants settled with the plaintiffs for \$350,000 in mediation with Mary Burdin of Burdin Mediations.

EDITOR'S NOTE

This case was filed in a Texas court, but the court and opposing counsel information were confidential.