

# DAILY REPORT

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## Clayton County Jury Awards \$8M to Motorcyclist Injured in I-75 Construction Site

The lawyers said they reached a confidential high-low agreement while the jury pondered the case, which began when a truck knocked a traffic barrel into the path of a motorcyclist.

By Greg Land | November 14, 2019



**Michael Goldberg, left, and Eric Rogers. (Photo: John Disney/ALM)**

A Clayton County jury awarded \$8 million to a motorcyclist injured when a dump truck hit an orange traffic barrel and sent it spinning in front of him, throwing him from his bike and across Interstate 75.

The plaintiff's attorney, Eric Rogers, said the defendant driver and trucking company he worked for never conceded responsibility for causing the wreck, but did agree to a confidential high-low agreement while the jury was out.

While there was eyewitness testimony about a dump truck matching the defendant's description, and strong evidence that it was the only truck that could have been responsible, "we had no smoking gun, just a lot of commonsense arguments," he said.

"At the end of the day, it was an all-or-nothing trial," said Rogers, who tried the case with Fried Rogers Goldberg (<https://www.frg-law.com>) partner Michael Goldberg.

Lead defense counsel Trevor Hiestand "did an amazing job with facts he had. That's one reason we agreed to the high-low: There won't be any appeals, and it resolves the case for my client," said Rogers.

"From a defense standpoint, this was an extremely difficult case to present to a jury," said Hiestand, who defended the case with Waldon Adelman Castilla Hiestand & Prout (<http://www.wachp.com>) associate Steven Wilson.

"We recognized this case as one that would have to be won on appeal," Hiestand said via email.

"My client's insurance company offered the full extent of the available insurance limits before trial and following the denial of our motion for summary judgment," he said. "Fortunately, the parties were able to reach a confidential high-low agreement. My clients are pleased with the outcome."

Goldberg and Rogers are "excellent trial lawyers and true professionals," said Hiestand.

According to Rogers and court filings, Ronnie Stevens, now 41, was riding his Harley Street Glide in Henry County in 2015 when the accident occurred.

Stevens, then a chief petty officer in the U.S. Navy, was in the left lane on I-75 when a dump truck attempted to move into a closed lane to enter a construction site and clipped the barrel, which ricocheted into Stevens' path.

"He hit the barrel, went airborne and ended up on the right side of I-75 in a ditch," said Rogers.

The dump truck left the scene and entered the construction site, where express lanes for I-75 were being built, Rogers said.

Stevens' injuries included a fractured wrist and ankle.

"The biggest issue was the ankle," said Rogers. "It swells up and causes problems daily; he can no longer run or play sports," said Rogers.

Stevens' injuries forced him to retire from the Navy seven years before his 30-year full retirement, Rogers said.

"The police reported it as a 'John Doe' accident because the dump truck fled the scene," said Rogers. "So we had to go through discovery with all the general contractors to narrow it down to the driver."

Stevens sued the driver, Donald Parks, and his employer J.R.K. Trucking in Clayton County State Court in 2016. The complaint also named the general contractor, C.W. Matthews, and subcontractor Kelly Construction. Rogers said they settled their claims pretrial, and only Parks and the trucking company remained as defendants at trial.

Rogers said there was no mediation, and an early bid for the company's \$1 million Grange Insurance policy was rejected.

During a three-day trial before State Court Judge Margaret Spencer, Rogers said the defense was adamant Parks was not at fault.

"On the stand, he testified that he was 100% sure he did not hit the barrel," Rogers said.

“The biggest piece of evidence for us was that we were able to show that he was the last dump truck to come to this specific construction site before the accident, and convey that to the jury.”

At closing, Rogers said he asked the jury to award \$10.1 million in damages.

Hiestand asked for a straight defense verdict or, if the panel did decide to award damages, suggested no more than \$513,000, about three times Stevens’ medical bills.

The jury awarded \$8 million in damages on Tuesday.

Rogers said the lawyers did not speak to jurors afterward.

Goldberg said the verdict shows that insurers should be wary of undervaluing personal injury cases.

“It is always a seven-figure case when you have a good client, good venue and a permanent injury, regardless of the amount of medical bills,” he said in an email.

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