

Alleged Erratic Driver And Employer Settle Injury Case

Amount: \$290,000

Type: Settlement

State: Texas

Venue: Harris County

Case Type: Motor Vehicle - Pedestrian
Negligence -
Negligent Entrustment -

Case Name: J.R. Telschow v. Greenlite Express, Inc. and Adolphus Glenn McLane

Date: May 21, 2001

Parties

Plaintiff(s): J. R. Telschow (Male, 44 Years)

Plaintiff Attorney(s): Scott J. Davenport; Glover, Miller, Lewis & Prebeg, P.C.; Houston, TX, for J. R. Telschow Paul A. Higdon; Glover, Miller, Lewis & Prebeg, P.C.; Houston, TX, for J. R. Telschow

Plaintiff Expert(s): Ken McCain Ph.D.; Economics; Houston, TX called by: J. R. Telschow Carl Hansen ; vocational rehabilitation; Austin, TX called by: J. R. Telschow Merrimon Baker M.D.; orthopedic surgery; Cleveland, TX called by: J. R. Telschow

Defendant(s): Adolphus Glenn McLane, Greenlite Express, Inc.

Defense Attorney(s): Barry Lee Wertz, Jr.; Eggleston & Briscoe; Houston, TX, for Adolphus Glenn McLane, Greenlite Express, Inc. William J. Eggleston; Eggleston & Briscoe; Houston, TX, for Adolphus Glenn McLane, Greenlite Express, Inc.

Defendant Barry Wibratte accounting; Houston, TX for Adolphus Glenn McLane, Greenlite
Expert(s): Express, Inc. Andrew Levine orthopedic surgery; Houston, TX for Adolphus
Glenn McLane, Greenlite Express, Inc.

Insurer(s): Reliance Insurance Co

Facts:

On Feb. 20, 1998, J.R. Telschow, a wrecker driver, was in the inside emergency breakdown lane on the Beltway 8 loading a disabled pickup when a cargo truck, believed to be driven by Greenlite Express' employee, Glenn McLane, came towards him traveling at a high rate of speed in the emergency lane. The cargo truck driver swerved back onto the Beltway 8 to avoid hitting the vehicles at the last minute and barely skimmed the disabled pickup and sped off. Telschow jumped out of the way, fell, and injured his neck.

Telschow alleged that McLane was a reckless and careless driver and that Greenlite negligently entrusted the vehicle to McLane. Defendants argued that the truck that caused the accident was not theirs and alternatively, if it was their truck, the driver was not in the course and scope of employment since he was going home at the time. The company also contended it checked McLane's license, which came back clean.

McLane was arrested minutes after the accident when other motorists reported him for erratic driving. Nine Harris County deputies were involved in chasing McLane. The police were not aware of the incident with Telschow since he never filed a report.

Injury:

Surgery Unnecessary After All. Telschow suffered a strained neck secondary to degenerative problems (four cervical disc protrusions). He incurred approximately \$32,000 in medical bills. Telschow worked for 19 months after the accident and then took off work for a year and a half per his doctor's recommendation. In February 2000, Dr. Merrimon Baker, Telschow's treating physician, opined that if Telschow did not continue to stay improved, he would require an anterior discectomy and fusion at C4-C6. Telschow never underwent surgery and in February 2001 returned to work.

Result:

Case Settles On Eve Of Trial. On the day before trial, the defendants agreed to pay \$290,000 in settlement of all claims stemming from the Harris County District Court case.

Actual \$0
Award:

Trial Information:

Judge: George Hanks

Trial Length: 0

Trial Deliberations: 0