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DAILY REPORT

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\$2.4M Settlement Ends Trial for DUI Wreck Victim Who Suffered Broken Feet

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A \$2.4 MILLION SETTLEMENT hammered out just before closing arguments were to begin halted a recent Gainesville trial involving a head-on collision with a drunken driver. Plaintiffs attorney Ben Brodhead said his client already had collected \$100,000 from an underinsured motorist policy, bringing the total to \$2.5 million.

Speaking to jurors, Brodhead said the range of damages estimates being considered was between \$1 million and \$50 million. Brodhead said the highest defense offer to settle prior to trial was for \$25,000.

“Despite our belief that the verdict would have been much higher than the final settlement amount, the plaintiffs were very happy to have the case resolved

without an appeal,” Brodhead said. “More than anything, I believe they wanted closure of this very hard-fought case.”

Brodhead said he had been worried that he would face additional difficulty in collecting a potential jury award because the defendant, Santos Trejo, is going to be deported to Mexico when he gets out of prison.

“We were concerned about issues of collectability,” said Brodhead, who tried the case with Brodhead Law colleagues Ashley Fournet and Jennifer Mundy. “We would have had to perfect the judgment in Mexico. You can do that, but it’s difficult; we would have had to chase the defendant if necessary.”

Waldon Adelman Castilla Hiestand & Prout partner



JOHN DISNEY/DAILY REPORT

Plaintiffs attorney Ben Brodhead said his clients were “very happy to have the case resolved without an appeal.”

Russell Waldon, who led a defense team including firm associate Adam Smith and Steve Gilliam of Gainesville’s Smith Gilliam Williams & Miles, said the case was difficult to try. Trejo had several prior DUIs on his record, he said, and the seriously injured

plaintiff “was a real nice guy, a class act with a nice family.”

According to Brodhead and court filings, plaintiff Rodney Caines was driving a Jeep Wrangler on Highway 369 in Hall County in February 2013 when Trejo’s Oldsmobile 88 crossed the center line and hit him head-on.

Both of Caines’ feet were broken, and Brodhead said his medical bills at trial totaled about \$113,000, although more surgery might be required.

Trejo was jailed on charges including driving under the influence, possession of an open container of alcohol and serious injury by vehicle. He remains in prison, according to the pretrial order.

Brodhead sent a 30-day, time-limited demand for Trejo’s \$25,000 policy limits to his insurer, Patriot General, in March 2013. The carrier responded and offered to pay but did not meet the conditions for release he had specified, Brodhead said. Until shortly before trial, the defense continued to insist that it had properly accepted the offer, he said.

In August 2013, Brodhead sued Trejo on Caines’ behalf in Hall County State Court.

Waldon said he and his firm were brought in a few months

before trial, which began May 23 before Chief Judge Charles Wynne.

Brodhead said the key plaintiff’s witness was Caines’ treating surgeon, Erroll Bailey of Resurgens Orthopaedics.

The defense, he said, emphasized that Trejo, who was not released from prison to attend the trial, had been punished with a sentence of five years in



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—Ben Brodhead

prison and five on parole, and would then face deportation. Brodhead said the defense also repeatedly referred to Caines’ financial circumstance, cross-examining him about his pilot’s license and private plane “with retractable landing gear,” and making sure the jurors knew he also owned a 34-foot sailboat. Waldon, however, said it was the plaintiff’s witnesses who brought up Caines’ aerial and nautical pastimes.

“Instead, the jury was focusing on the initial pain and suffering associated with two broken feet

and the ongoing pain and suffering associated with the injury,” Brodhead said.

After three days of trial, the jurors were dismissed for the day and closing arguments were scheduled for the next morning. But the next day, the case was settled.

The jurors returned the next day and Wynne allowed them to speak to the lawyers, Brodhead said. The verdicts they were considering ranged from \$1 million to \$50 million, with several saying they were pondering \$1 million to \$3 million and several others saying \$6 million to \$8 million seemed appropriate, he said.

Waldon hailed both the plaintiff’s team and Wynne’s handling of the case.

“This trial presented any number of hot-button issues for a jury,” he said. Trejo, he added, was also pleased to have the matter resolved.

“He has a tough road ahead of him,” said Waldon, “but he is relieved that he does not face any civil judgment.” DR