

Defended a trucking company against negligence claims arising from a nine-vehicle accident on a snowy Nebraska interstate highway.

2012

Wheeler Trigg O'Donnell partner Kevin Kuhn led a trial team that successfully represented a large North American trucking company in an eight-day trial in the United States District Court for the District of Colorado. The plaintiff asserted negligence claims arising against the trucking company from a nine-vehicle accident in February of 2007 in near-blizzard conditions on Interstate 80 in western Nebraska.

The driver of the truck tragically perished in the accident. Despite the occurrence of a rear-end impact by the defendant 18-wheeler against a slow-moving and drifting passenger car, Kuhn and his defense team argued that the accident was started by the inexperienced driver who drifted in front of the westbound truck in the near-blizzard conditions. The initial impact caused the defendant tractor-trailer to lose control, cross the median through several feet of snow, collide against a livestock truck headed the opposite direction, and come to rest on the far shoulder of the eastbound lanes with its trailer protruding partially into the outside travel lane. The plaintiff was riding as a passenger in an eastbound automobile that crashed into the burning

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defendant trailer. The plaintiff subsequently underwent two cervical fusion surgeries. Plaintiff's counsel sought \$12.5 million in damages from the jury during *voir dire* and again in closing argument.

Kuhn argued that the trucking company's deceased driver was not the proximate cause of the accident and, therefore, the company was not liable. The defense also presented evidence of what it felt were reasonable damages. The jury deadlocked on liability 4-3 in favor of the defendant. U.S.D.C. Judge R. Brooke Jackson declared a mistrial. The case then resolved with the plaintiff accepting the defense's last settlement offer made during trial, which was just a small fraction of the damages sought.



Kevin J. Kuhn
Partner

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