# Hutchison & Stoy, PLLC Secures $1.13 Million Verdict Against Trucking Company for Client’s Personal Injuries.

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In October of 2018, Susan Hutchison and Chris Stoy of Hutchison &

Stoy, PLLC tried a case in Tarrant County against a Dallas based insurance defense law firm. Ms. Hutchison and Mr. Stoy obtained a verdict for $1.13 million for their client after a long, hard-fought, two-and-a-half-year battle.

## The Incident Giving Rise to the Lawsuit

On January 21, 2016, Hutchison & Stoy’s client, Phil was working at his place of employment, CFW in Gainesville, Texas. At the time of the incident, Phil was the shipping supervisor for CFW. On the day in question, a truck owned by KLD and driven by Tevita H., arrived at CFW to pick up church chairs that were to be delivered to customers.

When Tevita arrived at CFW, he immediately noticed something wrong with the cargo door of the 20-foot box truck. Instead of stopping operations, Tevita asked Phil to see if he could determine what was wrong with the door. When Phil stepped into the box area of the truck, the overhead door fell on him causing significant injuries.

Through diligent discovery, Phil’s lawyers found out that KLD had no policies and procedures in place to discover defects with their equipment. The lawyers also discovered that prior to the date of the incident, the same truck came out to CFW with the same defective door; and that KLD knew or should have known of the defect. In addition, Mr. Stoy was able to prove that KLD failed to timely produce documents that tended to prove all of KLD’s shortcomings (i.e., that it may have attempted to hide evidence).

## The Injuries and Treatment

As a result of the accident, Phil suffered injuries to his lower back, left shoulder, and neck. In addition, and most significantly, Phil suffered a mild traumatic brain injury. For the back and neck injury, Phil underwent physical therapy and eventually a transcutaneous discal resection of the L5-S1 vertebrae. However, the symptoms of the mild traumatic brain injury were probably the most devastating.

For at least three months post-accident, Phil experienced debilitating anxiety and paranoia caused by the mild traumatic brain injury. For days on end, Phil would lock himself in his room or garage and refused to interact with his wife and son. In addition, according to a neuropsychologist who tested Phil, Phil sustained permanent impairment in his cognitive functioning and chronic depression and anxiety. In layman’s terms, the neuropsychologist said that someone that did not know Phil, would perceive him as normal, but people that knew him pre and post-accident would consider Phil a “different person.”

Phil also missed almost three months of work. Thankfully, CFW was a compassionate employer who helped him through this troubling time, allowed him to remain as an employee.

## Discovering the Story

As personal injury trial lawyers, it was Chris and Susan’s job to “discover” Phil’s story so that they could tell it to the jury at trial. This proved more difficult than usual because of Phil’s mental condition. Phil tended to be closed off and could not recall many things with particularity.

Chris and Susan employed techniques founded in psychodrama that they learned at the Trial Lawyer’s College in Dubois, Wyoming. These techniques, such as reenactments, listening exercises, role reversals, and chair backs, allowed the lawyers to discover the harms and losses Phil suffered. It was telling the stories of these specific harms and losses that allowed the jury to relate to Phil’s injuries.

## The Defense’s Arguments

The defense lawyers never seemed to believe that Phil was injured. They spent over $50,000 on experts to opine that Phil’s injuries were not caused by the incident. However, at trial, during Mr. Stoy’s cross-examination, even the defendants’ paid experts admitted that Phil sustained a mild traumatic brain injury.

In addition, the defense tried to argue that Phil and his employer were the negligent parties. Not once did they accept even a portion of the liability. The jury didn’t buy the defense’s arguments one bit.

## The Verdict

After seven days of trial, a Tarrant County jury returned a verdict of $1,134,000.00. The verdict was distributed as follows: 90% liability on KLD, 10% liability on Tevita. For damages, the jury divided the money as follows:

Past Physical Pain - $75,000

Future Physical Pain $25,000

Past Mental Anguish - $450,000

Future Mental Anguish - $200,000

Past impairment - $10,000

Past meds $104,000

Future meds $250,000

Future loss of earning $20,000

## The Future

Phil will never be the same person he was before this incident. And no amount of money would ever truly compensate Phil for what he went through. But, the jury’s award validated Phil’s harms and losses. It allowed him to move on with his life.

The lawyers at Hutchison & Stoy, PLLC are relentless trial lawyers. The defense lawyers and insurance company in Phil’s case had ample opportunity to settle but refused to ever acknowledge their clients’ role in the incident, and most importantly, they refused to understand how much this incident affected Phil. Many lawyers would have thrown in the towel and settled for pennies on the dollar. But Hutchison & Stoy recognized the value of justice in Phil’s case and never backed down.

If you or a loved one have been injured by the negligence of a trucking company or some other entity or individual, contact the personal injury lawyers at Hutchison & Stoy, PLLC at (817) 820-0100 or filling out a case information form.

\*\*\* Please note that some of the names in this article were shortened for purposes of anonymity