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Negligent Driver Training and Discipline Prove Costly in Record \$280M Verdict from Fatal Trucking Accident

On Friday, August 23, 2019, a Georgia state jury awarded a record \$280 million in a fatal collision between a tractor trailer and a small SUV, which killed five extended family members. The suit only pertained to Judy Madere, the 58-year-old grandmother; however, her twin sister, daughter, and two grandchildren were also killed in the accident.

The suit alleged that in July 2016, Kenneth Cathey, a driver for Schnitzer Steel Industries, Inc., negligently crossed the center line on U.S. Highway 80 in Alabama striking Madere's vehicle head-on. During trial, Madere's family submitted evidence demonstrating that Cathey was asleep at the wheel—starkly contradicting Cathey's claim that he swerved to avoid hitting a dog. Additionally, the jury heard evidence that Schnitzer knew of Cathey's reputation for unsafe driving but failed to provide him with the appropriate training or discipline to remedy his shortcomings.

After a weeklong trial, followed by less than two hours of deliberations, the Muscogee County State Court jury found that Schnitzer and its driver Cathey were liable for the death of Madere. In awarding the highest civil judgment ever recorded in Muscogee County, Madere's widower Larry Madere and daughter Anjanette Thomas received \$150 million in wrongful death damages, \$30 million for pain and suffering, and \$100 million in punitive damages. The defendants are also burdened with an additional \$65,000 in attorney's fees.

Following the verdict, counsel for Madere's family stated, "We proved that Schnitzer and its truck driver were both asleep at the wheel. We are so thankful and appreciative of the jury who gave meaning to Judy's life and recognized that it is not OK for a large corporation to ignore safety rules and put unsafe trucks and unsafe drivers on the roadway."

While Schnitzer has accepted responsibility for the accident, it plans to appeal the verdict. Counsel for Schnitzer admitted that, "[s]ince the accident [Schnitzer has] implemented numerous changes to prevent the kind of accident that unfortunately resulted in the [death] of Judy Madere."



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