

DAILY REPORT

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\$2M Settles Case of Driver Hurt Avoiding Interstate U-Turn

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IN HIS FIRM'S second multimillion-dollar settlement in recent days, Gainesville attorney Matt Cook netted \$2 million for a man injured when he braked to avoid another vehicle that suddenly slowed and made a U-turn, causing a third vehicle to slam into Cook's client.

The motorist who caused the wreck never stopped and crossed the median and continuing on his way after making the U-turn after realizing he missed his exit, Cook said.

"He just did a U-turn and kept driving, supposedly not knowing the calamity he caused," said Cook.

“His observations concerning insurance industry tactics were less complimentary”

—Matt Cook

"Fortunately, traffic was backed up across the highway, and people who saw it called the police to say, 'this guy caused this mess.'"

"Otherwise, we never would have been able to track him down," he said.

That driver's insurer, Liberty Mutual, turned down an offer to settle the case for \$1.75 million in 2017.

The settlement on Thursday came one week after Cook and his Cook Law Group colleagues resolved a North Carolina case for \$7.8 million, ending litigation that had already produced a jury verdict that was on appeal.

"It's been a busy week over here," laughed Cook, who handled the most recent case with his wife and law partner, Kate Cook.

According to Cook and documents related to the most recent settlement, plaintiff Marcella Daniels was driving his pickup truck in the left-hand lane of Interstate 985 in Gainesville in 2016 when another pickup in front of him braked and turned onto the grass median.

Traveling behind was a vehicle driven by Kimberly James, who was unable to stop in time and rear-ended Daniels.

At the time, a 53-year-old trucker from Louisiana who was in Georgia for a job interview, Daniels imme-



Kate and Matthew E. Cook of Cook Law Group represent a man who crashed after a driver on I-1985 made a sudden U-turn then claimed he didn't know he caused a wreck.

diately experienced neck, back and leg pain and was strapped to a backboard and taken to Northeast Georgia Medical Center.

MRI imaging revealed a herniated disk and a compressed disk, and high levels of creatine phosphokinase, an indicator of muscle trauma.

James was charged with following too closely.

The driver of the pickup that caused the accident, Alvin Sanders, was charged with driving on a divided highway.

Sanders "was an older gentleman

who had been hired to transport a truck to a Gainesville dealership,” said Cook. “He got lost—the dealership had moved since he was last here—and decided to cut across the median instead of going up to the next exit.”

After a few days in the hospital, Daniels returned to Louisiana, where a neurosurgeon tried to treat him with physical therapy and pain medication. He eventually had to undergo surgery for his lower back and another surgery for his neck injuries, and has since had a spinal cord stimulator implanted.

He is nonetheless still unable to work because of pain in his neck and back, Cook said.

“He tried to return to work, but he couldn’t take pain medication and drive a truck, and he couldn’t work without taking pain meds,” said Cook. “He lost his life insurance policy because he couldn’t pay the premiums—just a cascade of effects from this.”

In early 2017, Cook sent a demand letter to Liberty Mutual, which carried a \$2 million liability policy for

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the company that had hired Sanders, Asbury Automotive Group.

The letter said Daniels had incurred more than \$195,000 in

medical bills at the time, and Cook offered to settle his claims for \$1,750,000.

Liberty declined to do so, and Daniels sued Asbury, Sanders and James in Gwinnett County later that year. James, who had “minimal” coverage, settled confidentially, Cook said.

Cook said during a mediation before Greg Parent of Miles Mediation & Arbitration Services, Liberty offered less than a tenth of its policy limit to resolve the claims against Asbury, and the case proceeded through discovery.

He said one turning point was his deposition of a Macon neurosurgeon Liberty hired to rebut Daniels’ injury claims and testify that back pain the trucker had complained of years earlier was to blame.

The deposition “didn’t go well,” Cook said.

In addition to testifying that, in 80% of the cases in which he serves as a hired expert, his opinion agrees with whichever side hired him, the doctor’s report also erroneously claimed that Daniels’ treating doctor provided a note saying Daniels was already disabled on the day of the wreck.

In fact, said Cook, the doctor said Daniels was disabled due to the injuries he suffered that day.

“I said, ‘Doctor, this is grave error. You’ve put in your report that this man had a doctors note saying he was totally disabled the day of the wreck. What if I hadn’t found that? The jury would believe my client is a total fraud,’” said Cook.

“He just said, ‘Oh you’re right, it was just a mistake,’” he said.

“The other pressure point was the threat of a bad faith failure to settle,” Cook said, who sent a 10-day final policy-limit demand after the doctor’s deposition, which Liberty accepted.

The insurer was represented by April Rich of Liberty’s in-house counsel, the Law Office of McLaughlin, Ream & Wyrick.

She did not respond to a query, but Cook said she was “very nice

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and professional throughout the whole case.”

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