



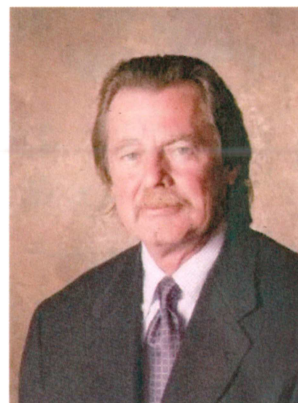
Jury awards \$13M and \$4M in high-speed rearend

By: David Donovan ☉ May 29, 2018

A Robeson County jury has awarded a \$13 million verdict to the family of a man who was killed by a tractor-trailer driver who plowed into the back of his pickup truck at full speed in a 2015 crash. The jury also awarded \$4 million to another victim who was severely injured in the wreck.

Fayetteville attorney Wade Byrd reports that John Bonnabel, the deceased, was a mechanic who was driving behind a malfunctioning bobtail trailer as it limped back to the repair shop. Byrd said that both Bonnabel and Keith Pate, who was driving the bobtail, were traveling between 20 and 30 mph with their flashers on down a flat, straight stretch of I-74, in clear weather, with over a mile of visibility.

An 18-wheeler coming up behind them failed to slow down or take any evasive action before it rammed into the back of Bonnabel's truck at a speed of about 69 mph. The truck was launched from the highway and rolled several times down an embankment into a tree, killing Bonnabel immediately. The tractor-trailer continued on, slamming into the back of the bobtail. Pate suffered a permanent brain injury as a result of the collision.



Byrd

A three-part trial began on April 16 with a liability phase. After the jury found on May 2 that the defendant driver and his company were liable for the wreck, separate damages trials were held, first for Bonnabel and then for Pate. Byrd said that for each phase of the trial, the jury was out for only about 30 minutes before returning with its verdict. He added that the damages phases were split because he didn't feel that it would be fair to either client to combine them.

Bonnabel, a 64-year-old grandfather from Raeford, is survived by his wife and three adult children.

"The family was just a wonderful, very close-knit, family, and so when I presented the argument to the jury I divided it among the heirs and said, here's what each heir is entitled to recover, and it seemed like a reasonable verdict to me," Byrd said.

Steve Coles and Erin Young of Hall Booth Smith in Charlotte represented the defendants. Coles did respond to a request for comment on the verdicts.

Byrd said that the discovery phase of the litigation did not make clear why the driver failed to slow down or take any evasive action before the crash.

"It was pretty inexplicable. That's a quote from the safety director of the defendant company, actually. I asked him, how did this happen, and he said it's inexplicable," Byrd said. "What you have to assume is the guy just went to sleep."

The driver of the tractor-trailer died a few months after the crash. Byrd said that the cause of death was cirrhosis of the liver.

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VERDICT REPORT – WRONGFUL DEATH

Amounts: \$13 million

Injuries alleged: Death

Case name: *Emily Bonnabel Windmiller, Administratrix of the Estate of John Van Bonnabel v. Harry B. Crow, Jr, Public Administrator of the Estate of Wilbert Lemar Tillman, and Darling Ingredients, Inc., D/B/A Dar Pro Solutions*

Court: Robeson County Superior Court

Case number: 16 CVS 01929

Judge: Beecher Gray

Date of verdict: May 4

Most helpful experts: J.C. Poindexter of Roanoke, Virginia (economist), Scott Turner (commercial motor vehicle and regulatory expert) and Steve Farlow and Johnnie Hennings of Raleigh (accident reconstruction)

Insurers: Liberty Mutual, National Fire and Marine Insurance Co., and National Union Fire Insurance Co.

Attorneys for plaintiff: Wade Byrd of Fayetteville and Brett Tishler of White and Williams in Philadelphia, Pennsylvania.

Attorneys for defendants: Steve Coles and Erin Young of Hall, Booth, Smith in Charlotte

VERDICT REPORT – PERSONAL INJURY

Amounts: \$4 million

Injuries alleged: Permanent injury, traumatic brain injury, PTSD, decreased earning capacity and substantial medical expenses

Case name: *Keith Haywood Pate v. Harry B. Crow, Jr, Public Administrator of the Estate of Wilbert Lemar Tillman and Darling Ingredients, Inc., D/B/A Dar Pro Solutions*

Court: Robeson County Superior Court

Case number: 16 CV 01811

Judge: Beecher Gray

Date of verdict: May 9

Most helpful experts: William Ameen of Jamestown (physician), J.C. Poindexter of Roanoke, Virginia (economist), Claudia Coleman of Raleigh (neuropsychologist), Scott Turner (commercial motor vehicle and regulatory expert) and Steve Farlow and Johnnie Hennings of Raleigh (accident reconstruction)

Insurers: Liberty Mutual, National Fire and Marine Insurance Co., and National Union Fire Insurance Co.

Attorneys for plaintiff: Wade Byrd of Fayetteville and Brett Tishler of White and Williams in Philadelphia, Pennsylvania.

Attorneys for defendants: Steve Coles and Erin Young of Hall Booth Smith in Charlotte

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