

Jury not derailed in train wreck case

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Awards \$1.75 million to injured plaintiff

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The Express-Star (<http://chickashanews.com>)

— In what could be one of the largest verdicts in Grady County in recent history, a jury awarded Plaintiff Terrie L. Smith, Chickasha, \$1.75 million for lost earning capacity and medical bills from a March 2009 accident.

Smith, a 40-year-old Union Pacific Railroad conductor, suffered career ending spine injuries when a tractor-trailer failed to yield to a freight train as it was traveling between Minco and Pocasset on March 2, 2009, documents show.

The truck driver claimed that he blacked out prior to the crossing, due to a previously unknown heart condition. A law firm press release said the heart condition was diagnosed after the accident.

The train struck the truck's saltwater tanker and derailed and eventually overturned, tossing the locomotive engineer and conductor about the cab.

Smith sustained a herniated thoracic disc, which required surgery and a fusion, according to her lawyers of a St. Louis, Mo., law firm, Schlichter, Bogard & Denton.

"Evidence at trial showed that the driver had been home from work sick the day before the crash. Records from the company's safety director, discovered during the litigation, revealed that the driver did not pass out until after he had gone over the crossing," the press release said.

"Yet, at trial, the company asked the jury to excuse its driver's negligence based on a heart condition. The jury rejected that defense and awarded damages for Smith's lost earning capacity and medical bills," documents said.

According to Smith's attorneys, this verdict will allow her to receive the medical treatment she needs in the future and compensates her for the loss of significant earnings she would have made.

"The trucking company denied any responsibility for her injuries and this case shows that justice is available through our jury system, which awarded fair compensation," the press release said.

Grady County District Judge Richard G. Van Dyck presided over the trial.