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\$7.7M Jury Award Cut to \$5M for Grandmother Hit by Truck

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AFTER HEARING TWO dramatically different versions of what happened when a tractor-trailer truck hit a grandmother's Honda Accord on Buford Highway, a Gwinnett County State Court jury reached a \$7.7 million verdict, but reduced it by 35% for comparative negligence.

The jury apportioned 65% of the fault, or \$5 million, to ABF Freight Systems, owner of the truck, and 35% to Victoria Waits Cofer, who died not quite three months after the August 2015 crash. The jury reached the verdict March 25 after a week-long trial before Chief Magistrate Judge Kristina Hammer Blum, filling in for State Court Chief Judge Pamela South to help move through the backlog from the coronavirus pandemic shutdown.

The surviving husband, Jimmy Cofer, was represented by attorneys Richard Hendrix and Lee Gutschenritter along with paralegal Corinne Anderson, all of Finch McCranie in Atlanta.

ABF was defended by John D. Dixon of Dennis, Corry, Smith & Dixon in Atlanta. Dixon didn't say



Richard Hendrix (from left), Lee Gutschenritter and Corinne Anderson of Finch McCranie represented the woman's surviving husband.

whether he plans to appeal, but he did say this in an email: "Richard and Lee did a great job. They were a pleasure to work with. Judge Blum filled in for Judge South. All I can say about Judge Blum is she is one of the finest jurists on the bench."

Likewise, the plaintiff's team had compliments for the defense counsel's courtesy and professionalism. The two sides just presented the jury with entirely different accounts of what happened.

The defense summary in the consolidated pretrial order said Cofer turned into a lane already "fully occupied by the tractortrailer," and

"her car went underneath." The summary concluded, "Several months after the accident, Ms. Cofer died of natural causes as stated on her Official Georgia Death Certificate."

That's not at all what the jury heard from the other side. The plaintiff's summary of the consolidated pretrial order said she told her husband at 11 a.m. she was going out to her neighborhood grocery store to buy some green peas for canning, and she traveled down Morningside Drive and came to a complete stop at Buford Highway before turning right. They alleged the truck changed lanes improperly after she

turned and hit her Honda. They said the total weight of the loaded tractor-trailer was nearly 50,000 pounds, and that it flipped the Honda over a grass median and into a store front. They alleged a “constellation” of injuries that eventually caused multiple organ failure and death.

Both sides had their own witnesses and accident reconstructionists who took opposing views of the evidence. And the defense had the police on their side. The police report included an account from the truck driver saying he was already in the right lane when the Honda pulled in front of him. “We tried to strike a balance,” Gutschenritter said. “We didn’t want to go too hard on the police.”

He said he began presenting his case in voir dire, asking potential jurors, “Is there anyone here who

thinks police investigations are almost always right? In this case, we’re contending the police got it wrong.” No one raised a hand, he said.

Gutschenritter said he told the jury the police did a good job of documenting the scene and gathering evidence. They just didn’t go far enough in investigating the meaning of the marks on the road and on the vehicles. He said he brought home his point in closing arguments, telling the jurors, “Look at the police photos. Look at these exhibits and this will tell the story. What you’ve seen here is a trucking company hide behind a police report for seven years. You’re here to tell us what happened and give justice to this family.”

Another important part of the story— particularly with warring expert witnesses— was showing the jury who Vickie Cofer was,

Gutschenritter said. Plaintiff’s witnesses included her husband, sons and daughters-in-law. He said the defense emphasized her long history of medical issues. She was rail thin and had survived and recovered from many surgeries, though she was only 56, he said. She had a tradition of cooking Sunday evening dinner for her entire family of 10—something she did the night before the wreck.

“They did a really good job of bringing her to life,” Gutschenritter said of the family. They were seated behind him when the judge read the verdict. They began to cry, he recalled—and so did some of the jurors. ☞