

BRIAN ALLIGOOD OBTAINS NORTH CAROLINA DISMISSAL FOR ESTATE OF DECEASED DRIVER AFTER THREE DAYS OF JURY SELECTION IN NATIONALLY COVERED IREDELL COUNTY BUS ACCIDENT CASE

By February 12, 2018

Brian Alligood of the firm's Greensboro, North Carolina office successfully represented the estate of a church bus driver who died in a tragic interstate accident that occurred after the church bus experienced a tire blowout during a return trip from Tennessee. The front, left tire on the bus suddenly experienced a tread belt separation, causing the driver to lose control as the bus swerved suddenly to the left. The bus crossed the interstate median and struck a tractor trailer in opposing travel lanes. A total of eight people died in the fiery collision, with multiple other bus passengers seriously injured.

The 2013 accident, which received extensive national media attention, resulted in a series of lawsuits filed in Statesville, NC (Iredell County) against both the manufacturer of the tire that failed and the bus driver's estate. The negligence theory against the driver, which was based on experts retained by the tire manufacturer, was that the driver was negligent in maintaining the tire and in failing to maintain control of the bus after the tire failed.

During the week before trial was to begin, the tire manufacturer chose to abandon most of its criticisms of the bus driver, knowing those would be effectively defended. However, the manufacturer continued to argue through experts that the tire had developed an earlier cut in its shoulder, that this cut caused the tire to essentially unravel on the highway, and that the driver should have discovered the cut during a pre-trip inspection and retired the tire at that time. The case proceeded to trial with three days of pre-trial motions and jury selection. On the morning of the fourth trial day, before opening statements were to be delivered, the tire manufacturer and plaintiffs agreed to a confidential settlement. Although **Mr. Alligood's** client contributed no amount towards the settlement, the plaintiffs agreed to dismiss all claims, including those against the driver, as part of the settlement.