

## **Jury Agrees Defendant was Not DUI in Gwinnett County Collision Case**

By Wayne Tartline March 15, 2024

On February 29, 2024, Bovis, Kyle, Burch & Medlin attorney Wayne S. Tartline, working with Lueder Larkin & Hunter partner Hillary Shawkat, obtained a very favorable verdict for their client who had caused a significant rear-end collision with Plaintiffs' vehicle in 2018, and who had been accused of driving under influence of marijuana at the time.

The Plaintiff driver claimed that the collision caused her low-back and hip injuries which led to a Foraminotomy surgery as well as a significant Sacroiliac Joint Fusion surgery. She presented medical bills in excess of \$235,000.00.

Plaintiff, her spouse, and her passenger daughter also brought claims for punitive damages against the Defendant driver based upon their allegation that he was under the influence of marijuana and the resulting impairment caused the collision.

At trial in Gwinnett County State Court, the Plaintiff driver testified that her life activities were severely limited due to the injuries sustained in the collision. Her attorney asked for an award of damages of between \$1.7 million and \$3.3 million dollars, *plus* punitive damages. Her spouse claimed significant and life-changing loss of consortium and requested an award in excess of \$500,000.00, *plus* punitive damages. Their passenger daughter claimed medical bills of about \$8,500.00 and asked for \$15,000.00 *plus* punitive damages.

The defense presented expert medical testimony calling into question whether or not the two significant surgeries were actually related to the collision. The defense also used social media posts to show the jury the Plaintiffs had taken multiple vacations during the year after the accident, most of which would have involved significant physical activity (Disney World, Times Square, New Orleans) despite the Plaintiff driver's claim of near total disability.

The defense further showed through police body-cam video and testimony from law enforcement that, although there was an odor of marijuana coming from the Defendant's vehicle, the Defendant himself did not present with evidence of consuming marijuana and that the Defendant's interactions with law enforcement were not indicative of being under the influence of marijuana.

After three and one-half hours of deliberations, the jury returned a verdict for the Plaintiff driver in the amount of \$25,000.00, for her spouse of \$0.00, and for their daughter of \$8,500.00. The jury declined to consider any award of punitive damages--essentially vindicating the young Defendant driver of the serious allegations of driving under the influence and causing serious injury as a result, allegations that had been following him for more than five years.