

Freeman Wins Defense Verdict – Upshaw v. Washington

Mac Freeman obtained a defense verdict in the Circuit Court of Russell County, Alabama on behalf of his client in a motor vehicle accident that occurred in Phenix City, Alabama. The plaintiff claimed that Mr. Freeman's client struck the side of the plaintiff's vehicle. The T-bone collision rendered both vehicles a total loss. Plaintiff asserted various personal injuries as a direct result of the collision.

Plaintiff sued Mr. Freeman's client alleging that she negligently and wantonly caused the accident. In addition, the plaintiff sued the parents of the minor driver involved in the accident, alleging that they negligently entrusted the vehicle to their teenage daughter. Mr. Freeman successfully argued that the negligent entrustment claim should be dismissed, which it was during the course of the trial. As it related to the remaining claims directly against the driver, the plaintiff asserted that the defendant was the only party at fault for the accident. The plaintiff claimed various bodily injuries, including head injuries, neck and shoulder injuries, and injuries to her upper back. During the course of trial, plaintiff introduced testimony of medical providers who offered their opinions that plaintiff's injuries were the direct result of the subject accident. In defense of these claims, Mr. Freeman asserted that the teenage driver was not at fault for the accident and instead, the plaintiff was traveling at an excessive speed and was not paying attention to her surroundings. Or, in the very least, Mr. Freeman contended that the plaintiff's own conduct constituted contributory negligence and as such, her claims should be barred. The case was submitted to the jury and after deliberation, the jury returned a verdict in favor of the defendant driver (Mr. Freeman's client) on all claims.

The case was tried before the Honorable David Johnson in the Circuit Court of Russell County, Alabama (57-CV-2017-900307).