

## **COMMERCIAL VEHICLE**

**Trendsetter Construction and Nathan Richardson agree to pay \$10,500,000.00 to settle wrongful death case.**

**Mediated  
Settlement**

**\$10,500,000.00**

**Case** Robert Barksdale, Individually and as Representative of the Estate of Mary Barksdale, Deceased, Beau Barksdale, Casey Barksdale and Myra Courson v. Nathan Eric Richardson and Trendsetter Construction, Inc., Cause No. 345-11, In the 115th Judicial District Court of Upshur County, Texas

**Court** 115<sup>th</sup> District Court, Upshur County

**Judge** Judge Lauren Parish

**Date** Wednesday, May 18, 2012

**Plaintiff**

**Attorneys** Lee Brown, Eric Porterfield and Anjolie Ponce, The Brown Law Firm, Dallas, Texas  
Johnny Ward, Ward & Smith Law Firm, Longview, Texas

**Defense**

**Attorneys** Ernest Gieger, Patrick Seale, Andy Braun and Brendan Doherty, Gieger, Laborde, & Laperouse, LLC, New Orleans, Louisiana  
Darrell Barger, Hartline Dacus Barger Dreyer LLP, Corpus Christie, Texas  
Chad Parker, The Parker Firm, Tyler, Texas

Trendsetter Construction entrusted a 2005 Ford F-450 commercial truck and a 27-foot goose-neck trailer hauling a Caterpillar Skid Steer front-end loader, weighing approximately 10,000 pounds, to its employee, Nathan Richardson, Trendsetter Construction's Athletic Sports Field Manager, even though Trendsetter Construction, through its corporate officers, knew that Nathan Richardson had a long history of alcohol and drug abuse, knew that he was receiving medical treatment for his serious psychiatric and physical conditions, and knew that he had not been properly examined and physically qualified by a physician to safely operate a commercial vehicle in violation of federal and state law.

On Tuesday, October 19, 2010, witnesses saw the Trendsetter Construction commercial truck and trailer, operated by Nathan Richardson, who was severely fatigued and impaired by drugs, swerving back and forth across the center line of Highway SH-149. At approximately

4:03 p.m. that day, Nathan Richardson allowed the Trendsetter Construction commercial truck and trailer to cross the center line into on-coming traffic at approximately 60 to 70 miles per hour and, without ever applying the brakes, striking the front left side mirror of a 2008 Nissan Titan pick-up and its flatbed trailer that were being operated by Robert Barksdale. The Trendsetter Construction commercial truck and trailer then traveled further into the southbound lane of SH-149 at approximately 55 miles per hour, where it violently struck a 2001 Ford Expedition that was being operated by Mary Barksdale. The frontal impact was so severe that the 27-foot Trendsetter Construction gooseneck trailer, laden with the 10,000 pound front-end loader, detached from the Trendsetter Construction truck and uncontrollably rolled down the highway into on-coming traffic, nearly causing a collision with another motorist.

Although Mary Barksdale was properly wearing her seat belt and tried to avoid the impact by braking and turning her vehicle to the right, she sustained decapitating fatal injuries from the severe high-speed frontal impact. Bob Barksdale sustained minor physical injuries in relation to those of his beloved wife, but tragically witnessed the senseless death of his wife, as a helpless bystander to the carnage.

Bob Barksdale, his sons Casey and Beau Barksdale, and Mary's mother, Myra Courson, brought a wrongful death action against Trendsetter Construction and its employee, Nathan Richardson, in Upshur County, Texas. The Barksdale family claimed that Trendsetter Construction was grossly negligent in entrusting the commercial vehicle to its employee, Nathan Richardson, and Nathan Richardson was grossly negligent for operating the motor vehicle while impaired and intoxicated by drugs. Defendants denied any responsibility for the wrecks or the death of Mary Barksdale.

On Wednesday, May 16, 2012, Defendants agreed to pay the Barksdale family \$10,500,000.00 to settle all claims.

#### Plaintiffs' Experts:

1. Joey Pace – DPS Accident Investigator
2. Eduardo Padilla – DPS Toxicologist
3. Bob Caldwell – Accident Reconstruction
4. Rusty Nicar, Ph.D. - Toxicology
5. Dave Stopper – DOT Regulations
6. Thomas Mayor, Ph.D – Economist

#### Defense Experts:

1. Ernest Lykissa, Ph.D. - Toxicology