

Glover and Drake adjust liability in \$7.8 Million lawsuit

At first glance, you may wonder why this case is listed being that our firm represented a defendant in this case. Indeed, it does not appear to be a case that should be promoted by our firm. Further investigation reveals, however, that this case is perhaps one of the best examples of innovative trial work, which has been the hallmark of our firm during its long history.

A national trucking company engaged our firm to defend its driver who lost control of his truck at the local K-Mart warehouse and killed a security guard. The security guard's two minor children and her Estate joined to file a lawsuit against our client and K-Mart in the Coweta County Superior Court. Strategically, Litt Glover and Taylor Drake admitted that our client's driver was negligent and the security guard was not negligent. To the contrary, K-Mart elected to deny all liability and chose to blame the security guard for her own death, although not much evidence existed to support such a finding. At trial, Glover and Drake were successful in convincing the jury that, although our client's driver was negligent, the accident could have been avoided all together if K-Mart had better safety measures in place on its property. In June of 2005, the jury returned a verdict of \$7.8 Million (presumably the verdict was so high due to the jury getting upset at K-Mart's conduct and arguments presented at trial) and apportioned fault with K-Mart being responsible for 69%, our client being responsible for 29%, and the security guard being responsible for 1% of the verdict (in Georgia, a jury must find the plaintiff at least 1% at fault to be able to apportion fault among the defendants).