

**Rocky Mountain Verdicts and Settlements  
December, 2008**

**Multi-Vehicle Accident on I-80 in Snowy  
Conditions – Middle-Aged Husband/Father  
Killed - \$1,700,000.00 Compensatory/Punitives  
Verdict for Wife and Adult Sons.**

**The Estate of Patrick Brent Guinn, by Jody  
Guinn, et al.,**

vs.

**Builders Transportation Co., L.L.C., Berkut  
Transport, Inc. and Swift Transportation Co.,  
Inc.**

U.S. District Court  
District of Wyoming  
Judge Clarence Brimmer  
Case No. 07 CV 54

**Plaintiffs' Attorney:** James E. Fitzgerald,  
FITZGERALD LAW FIRM.

**Defendants' Attorney:** Lloyd E. Smith, Heather  
Zadina, MURANE & BOSTWICK, for Builder's  
Transportation; Richard Mincer, Mandy Good,  
HIRST & APPLGATE; Paul Collins (CO), Robert  
Zavaglia (CO), Kathy Dixon, for Swift  
Transportation.

**Plaintiffs' Experts:** Pat Pacey, Economist; Matt  
Meyerhoff, Trucking Industry Standards.

**Defendants' Experts:** For Builders  
Transportation; John Scott, Accident  
Reconstruction; Norris Hoover, Trucking Industry  
Standards.

**Decedent's Age:** Male, 57. **Work:** Overhead  
Door Installation.

**Facts:** This case arose from a multi-vehicle  
accident in white-out conditions on I-80 near  
Elkhorn Mountain on March 26, 2006. The  
sequence began when a pickup truck stopped in the  
blizzard conditions, followed by a Godfrey  
Trucking semi-truck which stopped to avoid the  
pickup. A Berkut Transport truck followed the  
Godfrey truck, and was in turn followed by a Swift  
Transportation truck. Which vehicle hit the other  
first was disputed, but this sequence ended with the  
Swift Transportation truck jack-knifed and blocking  
virtually the entire travel lanes of the freeway.  
Decedent Patrick Guinn, driving a Honda Civic,  
then arrived upon the scene. He stopped just short

of the Swift truck, or possibly struck that truck, but  
in either event was able to exit his vehicle and walk  
toward the back. A Builders Transportation semi-  
truck then arrived upon the scene, colliding into  
Guinn's vehicle, another vehicle, and crushing  
Guinn between the Builders Transportation truck  
and the already stopped Berkut truck. Guinn was  
killed instantly. His survivors alleged the drivers of  
the semi-trucks were at fault in creating the  
hazardous condition that blocked the freeway, then  
in colliding into and killing Guinn. They also  
alleged punitive damages based on hiring, retention  
and training issues, and the fact that the Builders  
Transportation driver had driven in excess of those  
hours allowed by federal standards. Guinn at the  
time of his death left a wife and two adult sons.

**Medical Bills:** Funeral expenses.

**Lost Wages:** Plaintiff's economic expert testified  
to economic losses of \$939,000.

**Verdict:** This case was tried to a jury. The jury  
found Builders Transportation 100% at fault. The  
jury awarded compensatory damages of \$1,000,000  
to Guinn's widow and \$150,000 each to his two  
adult sons. The jury also awarded \$400,000 in  
punitive damages which was divided among his  
widow and sons in proportion to the compensatory  
damages. The total of compensatory and punitive  
damages came to \$1,700,000.

**Offers:** Defendants collectively offered \$1 million.  
Plaintiffs demanded \$1.9 million.