

And The Defense Wins

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DRI members [Bryan E. Stanton](#) and [Peter Wheeler](#), partners with the firm of Pierce Couch Hendrickson Baysinger & Green LLP, obtained partial summary judgment as to plaintiff's punitive damages claim on behalf of their clients, Covenant Transport, Inc. and David Johnston, in a trucking case. The plaintiff, William Raborn, also a truck driver, claimed Mr. Johnston made an improper left turn causing a collision between two tractor trailers. On October 17, 2017, Judge Claire V. Eagan of the U.S. District Court for the Northern District of Oklahoma ruled that the plaintiff did not meet his burden to show that Mr. Johnston acted with reckless disregard for the rights of others and that—if the case goes to trial—the court will not instruct the jury as to punitive damages. The court also ruled that, based upon the evidence submitted by the defendants that was not in dispute, a reasonable jury could assign some percentage of fault to the plaintiff for his decision to change lanes after Mr. Johnston had already begun to pull into the lane of travel. Finally, the decision found that the plaintiff has not come forward with evidence to make even a threshold showing that a punitive damages instruction would be appropriate in this case, and granted the defenses' motion.

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