

Case Information

State GA
Contributing Attorney Render Freeman and Brittany Partridge
Settled Verdict
Resolution/Verdict Date 04/29/22
Resolution/Verdict Amount \$ 22,000,000

Plaintiff Information

Gender/Race/Age Male / Caucasian / 47
Injuries Catastrophic (death, Motorcyclist Killed by Falling Tree) / (Injections : No)
Prior Related Injuries No
Vehicle Type Motorcycle
Degree of Property Damage Totaled

Defendant Information

Defendant Corporation
Defendant's citations Other (Falling tree on private property)
Liability Carrier(s)/Limits No Insurance ()
UM Carrier(s)/Limits ()

Court Information

Court State Court of GREENE, GA
Judge Judge Amanda Petty

Inquiries/Attorney Notes

We represented the family of an orthodontist and motocross aficionado who was riding his motorcycle on a private, 6,000 acre resort track called Durhamtown. While on the track, a tree fell on the decedent at the exact moment he was under it, killing him.

The owner of the property, Robert McCommons, alleged that the tree fell on its own and therefore they were not a fault. However, Mr. McCommons was driving a backhoe at the time and we alleged that he hit the 70 foot tree with the backhoe, which caused it to fall. Defense vigorously fought against the idea that their clients were at fault.

The biggest obstacle we had to overcome was the waiver that Dr. White had signed absolving the resort of any responsibility for injuries. Because of the liability waiver, we had to prove gross negligence, as opposed to ordinary negligence, which is a very high standard.

We had the coroner, GBI pathologist and a biomechanical expert all testify as to the cause of death. The jury charge was that the defendants engaged in "willful and wanton negligence."

After 2.5 hours, the jury returned with a verdict of \$22 million for the family of Dr. White, who was a respected dentist with a wife, family and grandchildren. Mr. McCommons is alleging that he has no insurance on his property.

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