

THE VERDICT IS IN!!!

Barber v. Union Pacific Railroad:

\$30.1 MILLION

January 19, 1998, Chris Barber was a passenger in a trash truck driven by his co-worker, Charles Rolf. The westbound trash truck made a right hand turn off state Highway 70 onto an unimproved county road and attempted to cross the Union Pacific Railroad tracks that paralleled the highway. Vegetation on the railroad right-of-way prevented the driver from getting an effective view of the track in both directions. As the front end of the truck reached the nearest rail, the passenger saw a train coming from the west and told the driver to hurry. Just before it cleared the track, the last few feet of the truck were struck by the 58-mph train. Chris Barber was age 32 at the time of the accident. He earned about \$25,000 annually as a loading dock worker and a truck driver. He had only started hauling trash a few months before the accident. His wife, Claudette, was a 30 year old student at the time of the accident. Their daughter, Jessica, was four.

The crossing was humped, timbers loose and the right-of-way was not mowed. The data event recorder showed 7.3 seconds [620 feet] of horn before impact. Much of the evidence sought in discovery was missing. The defense attributed all the responsibility for the accident to the driver. Chris Barber suffered broken ribs, punctured lung, displaced fracture of the ankle, fractured skull, vertebrae and disc injury at C5, C6 & C7, and associated injuries. At trial he was able to walk with a cane.

The jury returned a verdict for the plaintiffs. Chris Barber's compensatory damages were fixed at \$5,000,000 and Claudette Barber's loss of consortium was set at \$100,000. Punitive damages were awarded in the amount of \$25,000,000. ■

Court: Circuit Court of St. Francis County, Arkansas
Docket No: CIV-98-312
Date of Verdict: May 10, 2002
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A special thanks to all those who helped me in this fight! (Including Beth Hardy, Pam O'Dwyer, John Chandler, Dale Haralson, Mike Miller, Roy Dickinson, Paul Harrison, et. al.)

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