

Verdicts & Settlements

Estate sought damages for post-golf drunken driving

Defendant consumed a number of beers at afternoon outing \$1,345,000

This is a third-party automobile claim for economic and noneconomic damages pursuant to the state's wrongful death statute, as a result of a distracted, intoxicated and speeding insurance agent crossing the center line, striking the plaintiff's vehicle and causing her death.

On May 4, 2014, at approximately 8:56 p.m., plaintiff's decedent Jane Doe had left her boyfriend's home and was driving home. She was traveling southbound on a

Settlement amount: \$1,345,000
Insurance carrier: State Farm
Attorneys for plaintiff: Michael J. Garris, Laurence H. Margolis
Attorney(s) for defendant: Withheld



GARRIS



MARGOLIS

ing defendant's assets and income so that defendant's collectability could be ascertained. Plaintiff's counsel hired their own private investigator to investigate defendant's assets.

Defendant pleaded guilty to operating while intoxicated causing death, so defendant was unable to contest the negligence count. There was no comparative negligence, other than Doe did not have her seatbelt on.

Investigation revealed that there was no way to establish that the golf course employees had provided alcohol directly to defendant at any time. Instead, the alcohol would have been purchased by the member of the country club who was golfing with the defendant and others.

Defendant's insurance agency was terminated because of the incident. He was sentenced to two to 15 years in prison. The case was settled with carrier State Farm paying its \$1.25 million limits, defendant Roe paying \$90,000 personally and the golf club paying \$5,000.

Michael J. Garris, co-counsel for plaintiff, provided case information.

his cellular phone and when he looked back up, he had crossed the center line, and struck the vehicle containing Doe. Crash data retrieval information revealed that Doe was travelling 45 mph and the defendant was travelling 65 mph in a 55 mph zone.

Plaintiff's decedent was born in 1991 in Michigan. She had graduated from high school in 2010, where she enjoyed sports and volunteering and was a cheerleader. She had enrolled at college and was set to begin its nursing program in September 2014. She eventually wanted to become a physician's assistant. The plaintiff left behind her parents, stepparents, her paternal and maternal grandparents, two sisters and many friends.

A lawsuit was filed in the Washtenaw County Circuit Court, which included counts of negligence and gross negligence. Discovery revealed that the defendant had a base liability policy of \$250,000 and a \$1 million umbrella policy. Defendant's attorney allowed discovery regard-

two-lane road. Her 2007 Ford Fusion was struck by defendant Garrett Roe's 2013 Ford F150 pickup.

Roe crossed the center line and hit Doe's car head-on. Doe died at the scene. Defendant Roe was taken to the hospital with non-life-threatening injuries. Investigation later determined that Roe was intoxicated.

Investigation also revealed that the defendant attended a golf outing that started at 2 p.m. and finished at approximately 6:30 p.m. Defendant stayed for dinner and alleged that he did not have anything further to drink.

Further investigation revealed that the defendant and his golfing associates had purchased, through the club member, a number of beers. At the time of the crash, defendant was on his way from the golf club and headed home. The blood draw at the hospital at 11:27 p.m. was 0.125.

Defendant was an insurance agent in Michigan. He told the investigating officers that he looked down to pick up

Submit your V&S reports online at milawyersweekly.com

MICHIGANAUTOLAW
 GURSTEN, KOLTONOW, GURSTEN,
 & RAHIT, P.C.

Retirement program