

# VERDICTS & SETTLEMENTS

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## **\$750K Accord Reached In Fatal Hit-and-Run Involving Tow Truck** *Jiang v. Bala Motorsports* **\$750,000 Settlement**

### **Date of Verdict:**

March 23.

### **Court and Case No.:**

C.P. Philadelphia No. 03732.

### **Type of Action:**

Wrongful death.

### **Injuries:**

Death.

### **Plaintiffs Counsel:**

Anthony Baratta, Baratta, Russell & Baratta, Huntingdon Valley.

### **Defense Counsel:**

Robert Stroh, Hohn & Scheuerle, Philadelphia.

### **Comment:**

A tow truck company and the family of a pedestrian struck and killed by one of the company's trucks in Lower Merion Township have settled the resulting lawsuit for \$750,000.

The lawsuit, filed in the Philadelphia Court of Common Pleas, stated Bala Motorsports tow truck driver Farran Haynes struck and killed 72-year-old Huiqing Jiang and fled the scene. Haynes pleaded guilty to the related criminal charges in Montgomery County in 2017 and was sentenced to two and a half to five years in prison.

The case was settled during mediation conducted by JAMS mediator Jerry Roscoe. Bala's attorney, Robert Stroh of Hohn & Scheuerle in Philadelphia, did not respond to a request for comment. The attorney representing Jiang's estate, Anthony Baratta of Baratta, Russell & Baratta in Huntingdon Valley, praised the mediator.

"Focus groups had been placing some responsibility on our client so we knew we were facing a reduction for comparative negligence," Baratta said in an email. "Robert Lynch, P.E. of DJS Associates, who had replaced Steve Schorr, P.E. who died during the pendency of our case, did a masterful job explaining why the Bala tow truck operator could have seen our client in time to avoid striking him, despite the conditions."

The lawsuit cited Haynes' guilty plea prominently. It also claimed that Haynes had enough time to see Jiang and move out of the way. The plaintiffs also alleged flaws in Bala's hiring and training processes, which failed to catch an accident on Haynes' driving record and require him to provide previous employment references.

According to the plaintiff's mediation memorandum, the defendants failed to enforce the 11-hour limit on consecutive hours driven by employees without 10 hours off between runs.

"On the day that Mr. Jiang was killed, Mr. Haynes, per the regulations, was limited to driving his tow truck a maximum of 11 hours after first taking 10 consecutive hours

off duty. There exists Teletrac GPS data for all of Bala's trucks," the plaintiff's memorandum said. "The data from this GPS proves that on Dec. 2, 2016, Jiang was struck by the truck driven by Haynes and it was more than 14 hours after Haynes reported to his vehicle that morning."

However, in their mediation memorandum, the defendants argued that Haynes was not the driver who struck Jiang.

According to the defendants, Haynes thought it was better to plead guilty than to face a stiffer sentence if convicted.

"Before pleading guilty he was told that he could be imprisoned for 10 years, and that the cost of trial would cause his family to incur overwhelming debt. By pleading guilty, he could be released in 22 months, and his family would not go into debt. Given the risks, he decided to plead guilty," according to the memorandum.

—P.J. D'Annunzio, of the Law Weekly •

## **Husband, Wife Injured In Broadside Crash Settle for \$96,500** *Christman v. Francois*

### **\$96,500 Settlement**

### **Date of Settlement:**

Nov. 1, 2019.

### **Court and Case No.:**

C.P. Lehigh No. 2018C2145.

### **Judge:**

Douglas G. Reichly.

### **Type of Action:**

Motor vehicle.

### **Injuries:**

Shoulder, back, rib injuries.

### **Plaintiffs Counsel:**

Erik J. Conrad, Thomas, Conrad & Conrad Law Offices.

### **Defense Counsel:**

C. Theresa Barone, Law Offices of Kenneth S. O'Neill, Allentown.

### **Defense Expert:**

Allister R. Williams, orthopedic surgery, East Stroudsburg.

### **Comment:**

On Nov. 3, 2017, plaintiff Willard Christman, in his early 60s, was driving on Kressler Road in Allentown. The front of a car struck the passenger's side of his sedan. The car was attempting to turn onto Kressler Road from an alleyway Christman claimed a shoulder injury. His wife/passenger, plaintiff Nancy Christman, a hospital assistant in her early 60s, suffered fractures of her back and ribs.

The Christmans sued the driver, Denise Francois. They alleged that she was negligent in the operation of a vehicle.

Nancy Christman was taken by ambulance to an emergency room. She was admitted and diagnosed with fractures at the T6 and T8 vertebrae, and fractures of right-sided ribs three, four, five, six and seven. She was immobilized and monitored

through Nov. 7, 2017, five days, at which time she was discharged home. Willard Christman was diagnosed with a strain and sprain of his right shoulder.

For the next couple of weeks, Nancy Christman recovered at home. She used a walker. Over the course of two and a half months she had consultations with her family physician. Her fractures later healed, and she received no further treatment.

Nancy Christman claimed that she continues to experience back pain. She contended that it makes it difficult for her to bend over, to lift heavy objects and to perform certain movements. She alleged that she experiences pain performing her job duties assisting patients at a hospital. She sought damages for past and future pain and suffering.

Following the accident, Willard Christman saw his family doctor on one occasion. His

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