

Man settles for \$11.3M after wife, unborn baby die

BY MATTHEW CHANEY

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The husband of a woman who died in a vehicle crash in Beaufort County along with their unborn child has reached an \$11.3 million settlement with the employer of the driver responsible, his attorney reports.

Harry Oxner of Oxner & Stacy in Georgetown reports that the crash happened on Highway 278 when the driver, whose name was withheld pursuant to a confidentiality agreement, was running a bank errand for her employer and failed to yield the right of way, causing the plaintiff to hit her.

Oxner said his client hit the defendant while driving within the speed limit of 55 mph. The plaintiff's experts believe that the wife was initially protected by an airbag, which properly deployed before a third car rammed into two vehicles just seconds later. But when the second impact happened, the airbag had deflated, causing the pregnant woman's stomach to forcefully hit the dashboard.

The mother was evacuated by air to a hospital in Savannah where she died of internal injuries, while the 21-week-old unborn child is believed to have died at the scene. The husband suffered lacerations to his head and a broken leg.

Oxner said that in all, there were four claims, including one for gross negligence on behalf of the defendant and her employer, who, the complaint said allowed her to drive despite a history of unsafe driving habits. The others were claims for wrongful death, survival and loss of consortium.

However, Oxner said the case settled without differentiating the exact figures for each cause, and that the case was resolved in a lump sum.

Oxner said that the father was the sole heir and beneficiary of his child and wife's estates.

"The mother was a beloved school teacher in the community, that's a major issue," Oxner said. "And frankly, there was enough insurance that the insurance carriers saw a significant downside [to not settling]."

Oxner said that before mediation he held focus groups and hired an expert economics witness to help determine the value of the case. He also hired a videographer in Charleston to make a day in the life video to show who the mother was and what she meant to the people around her.

While the plaintiffs also considered filing a product liability claim against the vehicle manufacturer, none was ever filed due to inconclusive evidence and the settlement reached with the driver's insurer.

R. Hawthorne Barrett, the lawyer for the defense could not be reached for comment before press time.

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SETTLEMENT REPORT — WRONGFUL DEATH

Amount: \$11,289,680

Injuries alleged: Death to mother and her unborn child

Case name: Withheld

Court: Beaufort County Circuit Court

Mediator: Steve Darling of Haynsworth Sinkler Boyd in Charleston

Date of verdict: Nov. 26, 2018

Most helpful experts: Elizabeth Oakley of Liz Oakley Productions in Charleston (videographer) and Oliver Wood of Charleston School of Law (economist)

Attorney for plaintiff: Harry Oxner of Oxner & Stacy in Georgetown

Attorneys for defendant: R. Hawthorne Barrett