

**Motor Vehicle****Defendant driver crossed into oncoming traffic****Mediated Settlement:** \$870,000.00**Case Type:** Head-On, Motor Vehicle - Center Line, Motor Vehicle - SUV, Motor Vehicle - Minivan**Case:** Ronika Blair, Individually and as Next Friend of Rakajia Brown, Minor Child, and Azarra Kelly v. Alan Tidwell and Ferrell Distributing Co.**Venue:** Matter not filed, TX**Judge:** Stevann Wilson**Date:** 04-11-2003**PLAINTIFF(S)****Attorney:**

Marc G. Rosenthal; Feazell, Rosenthal & Watson; Austin, TX, for Ronika Blair, Rakajia Brown, Azarra Kelly

**Expert:** None**DEFENDANT(S)**

**Attorney:** David P. Boyce; Wright & Greenhill; Austin, TX, for Alan Tidwell, Ferrell Distributing Co.

**Expert:** None**INSURER:**

Wausau for Alan Tidwell and Ferrell Distributing Co.

**FACTS:**

Azarra Kelly, 22, a waitress, was in a head-on collision 7 miles south of Temple, on May 5, 2001. Ronika Blair, 22, a fast-food cashier, was her passenger. Alan Tidwell, driving a 1999 Ford Expedition entrusted to him by his employer, beer distributor Ferrell Distributing Co., of Temple, crossed the dividing line of the highway and crashed head-on into the Kelly vehicle, a minivan. Kelly, Blair, and Blair's 2-year-old daughter, Rakajia Brown, filed claims against Ferrell's insurer. The investigating officer noted that Tidwell was driving on the wrong side of the road and that he was fatigued or asleep at the time of the incident. A forensic toxicology expert hired by the plaintiffs estimated that Tidwell's blood alcohol concentration was right around the legal limit at the time of the accident. No criminal charges were filed against him. The investigating officer marked Kelly's, but not Tidwell's, drinking as a possible contributing factor, said the defense attorney.

**INJURY:**

Blair claimed a C2 fracture with spinal cord injury; ankle, shoulder, tooth and rib fractures; and internal injuries, including a lacerated liver and collapsed lung.

font FACE="Courier New" SIZE="2" Defense attorney David Boyce reported that the cervical fracture healed, with the use of a halo cast, and that there was no evidence of any spinal cord or nerve damage.

Blair's doctor asserted that she was susceptible to future arthritis, and she was probably at risk of neck pain, at least sporadically, in the future, said Boyce. He added that she claimed to suffer from cognitive problems, as a result of a head trauma in the accident, and that she had psychological problems, for which she had received counseling, allegedly as a result of the trauma of the accident.

font FACE="Arial" SIZE="2" Blair's past medical bills were \$55,325.95. She claimed at least \$16,016 for 13 months' lost wages, based on a \$7 hourly wage.

Blair's daughter was not in the vehicle; she claimed loss of parental consortium.

Azarra Kelly claimed post-concussive syndrome and neck strain. Her medical bills were \$9,037.48.

**VERDICT INFORMATION:**

Blair mediated her and her daughter's claims on Sept. 9, 2002. On Sept. 20, with the continued help of the mediator, Jeff Jury, Blair's claims settled for \$720,000 and Rakajia's settled for \$30,000. Rakajia's settlement was approved in a friendly suit, Ronika Blair as Next Friend of Rakajia Brown v. Alan Tidwell and Ferrell Distributing Co., cause number 194671, in the 146th District Court, Bell County.

On April 11, in mediation with Stevann Wilson, Kelly's claims settled for \$120,000.