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November 18, 2009

Sarah Rodriguez
Verdict and Settlement Reports
Virginia Lawyers Weekly
707 East Main St., Suite 1750
Richmond, Virginia 23219

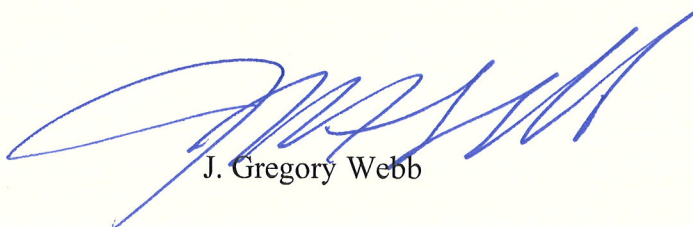
Emailed to: Sarah.Rodriguez@valawyersmedia.com

Re: Verdict and Settlement Report Form, \$5.265 Million Verdict

Dear Ms. Rodriguez:

Last week our firm tried a case that returned a verdict of \$5.265 million on Friday evening, November 13. Enclosed is a report of the case.

Sincerely yours,



J. Gregory Webb

JGW/anl
Enclosure

VERDICT & SETTLEMENT REPORT FORM

Type of Action: Wrongful Death, Tractor-Trailer Crash

Name of Case: Clinton E. Aichs and Michele L. Aichs, Co-Administrators of the Estate of Sydney Nichol Aichs, Deceased v. Don B. Swisher Trucking Corp., McCann Delivery Service, Inc., and Kenneth P. Barbour

The Court: Albemarle County Circuit Court

Name of Judge: Cheryl V. Higgins

Verdict or Settlement: Plaintiff's Verdict

Amount: \$5,265,000, plus pre-judgement interest

Date: November 12-13, 2009

Plaintiff's Attorneys: J. Gregory Webb
Kevin W. Ryan
M. Bryan Slaughter

Plaintiff's Trial Consultant: Jeffrey Frederick, National Legal Research Group, Charlottesville

Other Useful Information:

Plaintiffs' 16 year old daughter, Sydney Aichs, was turning onto Route 29, southbound, with a green left-turn arrow when she was struck and killed by a tractor-trailer driven by Kenneth Barbour. This crash occurred on Friday, May 9, 2008, as Sydney Aichs was on her way to Albemarle High School to take a History AP exam at about 7:08 AM. Kenneth Barbour was approximately two miles from the end of his all-night shift hauling mail for the Postal Service. Kenneth Barbour was employed by McCann Delivery Service, Inc., and was driving a tractor-trailer owned by Don B. Swisher Trucking Corp.

Two witnesses traveling behind Barbour reported that when the traffic light turned yellow, Barbour failed to slow down. They also reported that when the traffic light turned red, Barbour failed to slow down until he was in the intersection. One witness testified that the light had been red for approximately five seconds before the crash. The second testified that the light had been red for five to six seconds or more before the crash occurred.

A third witness had been stopped in a left-turn lane beside Sydney Aichs and testified that a sign to his immediate left blocked his view to the south, the direction from which Kenneth Barbour was coming. When the light turned red for northbound Route 29 traffic, there was a delay before the two green left-turn arrows appeared for him and Sydney Aichs. When the green left-turn arrows appeared, Sydney Aichs proceeded towards the intersection at what he described as a normal rate of speed and only as the tractor-trailer appeared in the intersection immediately before impact did this witness see the truck. He testified that the tractor-trailer did not appear to be slowing down. The impact drove the car 129 feet uphill north on Route 29 before both vehicles came to a halt. The driver's door was crushed inward 26 inches at mid-door. The witness beside Sydney Aichs was a physician with emergency medical experience. He rushed to Sydney Aichs' car, broke the passenger side window and climbed into the car where he testified he was able to reposition her head to enable her to breathe without difficulty as she died. Sydney Aichs died in her Chevrolet Cavalier before the rescue squad arrived.

The point of impact was approximately 88 feet north of the stop line for northbound traffic on Route 29. Skid marks left by the tractor-trailer began less than one tractor-trailer length away from the point of impact. The point of impact occurred in the center of the two northbound lanes of Route 29. The tractor-trailer had been traveling in the right lane and swerved to the left, striking the Cavalier squarely.

The sight distance from the hill immediately before this intersection was measured by the Albemarle County Police Department as being 1,186 feet. The yellow light for the tractor-trailer lasted five seconds. When the tractor-trailer's light turned red, there was a two second delay before the light turned green for traffic entering Route 29 from the Forest Lakes subdivision. Eyewitnesses estimated the tractor-trailer's speed at 50-52 mph. Officer Lytton of the Albemarle County Police Department testified that a tractor-trailer driving 50 mph would travel 366 feet in the five seconds for that yellow light. Similarly, he testified that if the light had been red for five seconds, the tractor-trailer would have traveled another 366 feet.

Defendants contended that Sydney Aichs was contributorily negligent for failing to look before she crossed into the northbound lanes of Route 29. Plaintiffs' counsel claim for punitive damages against the driver based upon wilful and wanton negligence was stricken by the Court at the conclusion of the Plaintiffs' evidence. The case went to the jury on the issues of negligence and contributory negligence.

Sydney Aichs was survived by her father Clinton Aichs, her mother Michele Aichs and her brother Kyle Aichs. Each of them testified at trial. Sydney Aichs had been born eight weeks premature and as a result was only ten months younger than her brother Kyle. They had grown up attending the same grade in school and shared many of the same friends and attended each other's sporting events. Kyle played football and Sydney played soccer. Testimony from the family and friends showed the deep, ever-present loss that father, mother and brother have each suffered since Sydney's death on that Friday morning.

The jury deliberated for approximately three hours before returning its verdict of \$1.75 million for each family member, plus interest at the statutory rate from the date of the crash.

SETTLEMENTS AND VERDICTS IN ALL CASES DEPEND ON VARIOUS FACTORS AND CIRCUMSTANCES WHICH ARE UNIQUE TO EACH CASE. THEREFORE, PAST RESULTS IN CASES ARE NOT A GUARANTEE OR PREDICTION OF SIMILAR RESULTS IN FUTURE CASES WHICH THE MICHIEHAMLETT FIRM AND ITS LAWYERS MAY UNDERTAKE.