

WRONGFUL DEATH

Jeb Butler
BUTLER TOBIN

Georgia's Wrongful Death Statute

- “full value of the life”—O.C.G.A. § 51-4-2(a)
- statute “is itself punitive”—*Ford Motor Co. v. Stubblefield*, 171 Ga. App. 331, 340 (1984)
- no deductions for taxes or debts of deceased —O.C.G.A. § 51-4-2(e)
- point of view of decedent—*Brock v. Wedincamp*, 253 Ga. App. 275, 280 (2002)

James E. Butler Sr., 1944



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Hatfield v. Ford Motor Co., TFX Inc., et al.



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Humphrey v. Brilansie Enterprises, Inc. et al.

- picked up from nursing home
- on way to dialysis
- end-stage renal disease
- heart disease
- paraplegia
- 63 years old
- not worked since 20s

- Troup County: 58% for Romney in 2012

Humphrey v. Brilansie Enterprises, Inc. et al.



insurance adjuster: “*she was in terrible health, this [Hispanic individual] caused the wreck, and there’s no way a jury is going to return a substantial verdict*”

Humphrey v. Brilansie Enterprises, Inc. et al.

Troup Jury Awards \$2.5M in Transport Crash Suit

Plaintiffs argued woman was not properly strapped to stretcher during LaGrange wreck

By Greg Land [Contact](#) [All Articles](#)

Daily Report December 30, 2013

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Brandon Peak represented the father of a stretchered woman who died in the crash.

John Disney/Daily Report

Butler, Wooten & Fryhofer. Peak said there are frequently problems with subcontractors who handle nonemergency transportation (NET) cases for the state.

The 94-year-old father of a disabled woman killed when she was thrown from a stretcher during an auto wreck was awarded \$2.5 million by a Troup County jury after evidence showed that restraining straps that should have been installed on the stretcher were missing.

Lead plaintiffs' attorney Brandon Peak said the verdict was subject to a confidential high-low agreement reached before trial, meaning no appeals are expected. During closing arguments, he said he asked the jury for \$2 million.

"This is something that's happening more and more," said Peak, a partner with Columbus-based

"I've handled a lot of these NET cases.... here needs to be some regulation of these folks," Peak said.

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Wrongful Death vs. Estate vs. Claims of Others

- Wrongful Death: “full value of the life”
 - intangible
 - tangible
- Estate
 - punitive damages
 - pain & suffering
 - fright, shock & terror
 - funeral expenses
- Claims of Others
 - consortium damages available only from time of injury “to the time of the [decedent’s] death.” *Walden v. Coleman*, 105 Ga. App. 242, 243 (1962)
 - bystanders can recover emotional distress damages

Foster v. Landstar Ranger, Inc.

Jury awards \$40M to widow

By Katheryn Hayes Tucker [All Articles](#)

Daily Report [September 27, 2011](#)

Attorneys on the winning side of a \$40 million verdict issued by a Cobb County jury last week said the award could be the largest ever in a Georgia wrongful death case. A defense lawyer said his client would appeal, arguing that the jury should not have been allowed to consider "rank speculation" of future earnings by a man killed in the traffic accident at issue.

(congratulations to Bill Stone of
Boone & Stone for this verdict)

Hatfield v. Ford Motor Co., TFX Inc., et al.



Jeb Butler. Butler, Wooten & Fryhofer LLP.

Hilliard v. Ocilla Industries



- trucking case
- negligence; inadequate maintenance
- \$30m verdict

Hilliard v. Ocilla Industries



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