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Fayette County Jury Awards \$900K Against UIM Carrier

The defense offered to settle the case for \$325,000. The plaintiff asked for \$850,000 before the trial. The jury's verdict of \$935,288, minus the \$100,000 Geico had already paid, puts Nationwide on the hook for just under the top pretrial offer.

By Katheryn Tucker | January 30, 2018



Jeb Butler (left) and Darren Tobin (Photo: John Disney/ALM)

A Fayette County jury has awarded \$900,000 to a man injured by an underinsured motorist.

Since the at-fault driver was underinsured for the damages claimed, the judgment will have to be paid by the uninsured and underinsured motorist insurance carrier, which sent a private investigator to watch and videotape its own customer to verify his injuries, according to winning lawyer

<https://www.law.com/dailyreportonline/sites/dailyreportonline/2018/01/25/uga-law-names-leader-for-new-veterans-legal-aid-clinic/> of Butler Tobin.

“I think my favorite part of the trial was cross-examining that spy,” [Butler](https://www.law.com/dailyreportonline/sites/dailyreportonline/2017/10/11/stage-is-set-at-uga-law-school-for-heated-arguments-in-chrysler-case/) (<https://www.law.com/dailyreportonline/sites/dailyreportonline/2017/10/11/stage-is-set-at-uga-law-school-for-heated-arguments-in-chrysler-case/>) said. He added he thought the testimony confirmed the injuries his client Kurt Taylor suffered in a November 2014 car wreck. Taylor claimed \$275,000 in medical bills for injuries to his neck, back, wrist and knee plus a concussion. Taylor was turning left when Susan Howse ran through a red light and hit him. Her insurance company, Geico, already paid her policy limit of \$100,000, according to Butler.

Butler tried the case with his partner, Darren Tobin, and Ronald Mabra Jr. of the Mabra Firm. Mabra is also a member of the Georgia House of Representatives from Fayetteville.

On the other side, Mark Scott represented Nationwide Insurance, the UIM carrier. Scott, an in-house attorney with Nationwide, said his employer does not allow him to comment on litigation.

Butler said the defense’s highest offer to settle the case was \$325,000. Butler said he asked for \$850,000 before the trial. The jury’s verdict of \$935,288, minus the \$100,000 Geico already paid, puts Nationwide on the hook for just under Butler’s pretrial offer.

The case was tried in four days before Fayette County State Court Judge Jason B. Thompson. “His rulings were fast and fair, and he went out of his way to make sure the jurors, parties and lawyers were comfortable,” Butler said. “I don’t think I’ve ever seen a judge who used his courtroom time more efficiently.”

“Our client is happy with the result and mostly happy to be able to put this case behind him,” Tobin said. “It was an honor to represent Mr. Taylor and to work with him and his family.”

The case is *Taylor v. Howse*, No. 2015SV-0270.

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