

Mary Jewel Moore v. Jackie Dewayne Farrell; 2003 Jury Verdicts LEXIS 52850

99CI-10055

May 08, 2003

Headline: Man Killed When 18-wheeler's Trailer Flipped Over Median

Published Date: June 21, 2003

Topic: Wrongful Death - Motor Vehicle - Tractor-Trailer

Injury: Death

Practice Area: Unknown

State: Texas

Court: Bexar County District Court, 288th

Plaintiff Counsel

[T. Ernest Freeman](#)

Firm Name: The Freeman Law Firm

Address: Houston, Texas

Plaintiff Name: (Keith Moore, Kenneth Moore, Mary Jewel Moore, Winfred H. Moore (deceased))

William J. Elsenbrock

Firm Name: Law Offices of William Elsenbrock

Address: Houston, Texas

Plaintiff Name: (Keith Moore, Kenneth Moore, Mary Jewel Moore, Winfred H. Moore (deceased))

Clarence E. Reed

Firm Name: The Freeman Law Firm

Address: Houston, Texas

Plaintiff Name: (Keith Moore, Kenneth Moore, Mary Jewel Moore, Winfred H. Moore (deceased))

Defendant Counsel

Glenn J. Fahl

Firm Name: Fahl & Takeuchi

Address: Houston, Texas

Defendant Name: (Jackie Dewayne Farrell)

Nadeline A. Lyle

Firm Name: Fahl & Takeuchi

Address: Houston, Texas

Defendant Name: (Jackie Dewayne Farrell)

Judge: [Frank Montalvo](#)

Case Summary

Plaintiffs' decedent, Winfred H. Moore, 67, was traveling on U.S. Highway 59 in Shephard, Texas. Jackie Dewayne Farrell was driving an 18-wheeler in the opposite direction. At a curve in the highway, Farrell lost control of the rig, the trailer flipped over the concrete median and struck Moore's pickup, killing him instantly.

Plaintiff Mary Jewel Moore, 64, decedent's wife, and decedent's adult sons, Keith Moore, 41, and Kenneth Moore, 38, sued Farrell alleging that the fatality was the result of his negligent operation of the rig. Farrell did not appear at the trial and participated by video deposition only.

At trial, the plaintiff's expert testified that Farrell probably lost control of the rig due to excessive speed, estimating that Farrell was traveling between 52-83 mph in the posted 55 mph zone. The defendant's experts testified that the number five (rear) axle of the trailer was misaligned when compared to the number four axle. They opined that the misalignment, which would not have been ordinarily detectable to Farrell, caused the trailer to swerve and head into oncoming traffic. Expert Mike James estimated Farrell's speed to have been approximately 61 mph.

According to plaintiff's counsel, [T. Ernest Freeman](#), whose firm was retained to assist just prior to the trial's start, the court permitted testimony that Mrs. Moore had been married four times previously and that, at the time of the accident, the couple was separated and that they were not going to reconcile.

Injury Text:

Moore sought unspecified damages for pecuniary loss, mental anguish and the loss of companionship.

Trial Length

4.0 days

Jury Deliberation

2.0 hours

Jury Poll

10-2

Plaintiff Expert(s)

[Officer Robin Wright](#)

Specialty: Accident Reconstruction, Clarence Reed, T. Freeman, William Elsenbrock

Other Expert(s)

[Mike James](#)

Address: College Station, Texas

Specialty: Accident Reconstruction

Affiliation: Glenn Fahl, Nadeline Lyle

[Thomas Truss](#)

Address: College Station, TX

Specialty: Trucking Industry

Affiliation: Glenn Fahl, Nadeline Lyle

Award: \$ 0

Award Details: Keith and Kenneth Moore's claims were nonsuited as reportedly neither had a demonstrable relationship with their father.

The jury determined that there was no negligence and found for the defense.

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