



Truck company to pay Mobile man \$14 million in lawsuit over 2011 rig wreck

Colin Lacy.jpg

Colin Lacy watches as his attorney, Greg Allen, addresses the jury during a civil trial in Mobile County Circuit Court. Lacy, who was paralyzed during an accident in 2011, will receive \$14 million from a company that improperly serviced his rig. (Photo courtesy Beasley Allen Law Firm)

Brendan Kirby | bkirby@al.com By Brendan Kirby | bkirby@al.com

Email the author | Follow on Twitter

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"This kid needs the money. He hasn't taken a shower in his house since 2011." -- attorney Greg Allen

A Mobile man who became paralyzed when his tractor-trailer overturned on Interstate 10 has won \$14 million in a lawsuit against the company that serviced his rig days early.

A Mobile County Circuit Court jury on Friday, following a two-week trial, awarded \$18.79 million to Colin Lacy. Because of an agreement hashed out by lawyers while the jury was deliberating, however, Lacy will receive \$14 million.

Under the deal, Empire Truck Sales agreed to pay at least \$2 million - even if the jury found in favor of the defense - and no more than \$14 million. Both sides also agreed not to appeal; Lacy will receive the money within 30 days.

"This kid needs the money," said Greg Allen, a partner with the Beasley Allen Law Firm in Montgomery. "He hasn't taken a shower in his house since 2011."

Lacy, 31, spent two months in the hospital. Allen said his client will have to use a wheelchair for the rest of his life. He said the man's girlfriend, who had been with him only a couple of weeks before the accident, has stuck by him and helped care for him.

Allen said the money will allow his client to customize his home and provide for him now that the accident took away his livelihood.

Attorneys for Empire Truck Sales did not immediately return a phone call Monday.

Lacy, who worked for FCC Environmental, was on his way to a job site in Florida on July 14, 2011, when he lost control of his truck near Niceville. When he tried to stop, the antilock brake system failed, according to testimony.

FCC Environmental LLC picks up oil from Jiffy Lube, Wal-Mart and other stores that sell oil changes. The company then recycles or disposes of the spent oil.

According to allegations by the plaintiff's lawyers, Empire Truck Sales had serviced the vehicle the previous month but had left a lateral control rod detached. Three days before the accident, Lacy noticed that the truck was vibrating it and took it back to the dealer.

The company failed to repair the defect, Allen said.

Because the repair shop and the plaintiff are both in Mobile, the trial took place in Mobile County Circuit Court. But because the accident, itself, was in Florida that state's law applied. That meant that Mobile County Circuit Judge Michael Youngpeter told jurors to determine what portion of the blame belonged to various parties.

Under Alabama law, each defendant judged at blame would have been equally responsible for paying damages regardless of their level of involvement.

In this case, the jury determined that Empire Truck Sales bore 80 percent of the blame. The jury also found that the brake manufacturer, Indiana Mills and Manufacturing Inc., was 20 percent at blame. That company originally was a defendant but settled out of court, so it does not have to make any additional payments.

Allen said attorneys had been discussing a "high/low agreement" for some time and finalized it after jury deliberations had begun. He said it guarantees some compensation for the plaintiff while limiting the potential exposure for the defendant.

"It's a settlement, but the jury decides the amount," he said.

Co-counsel Charlie Potts, an attorney for Briskman & Binion in Mobile, said the agreement not to appeal also removes uncertainty.

"It brings finality to a case," he said. "It brings timely closure to a case."

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