

[Menu](#)[Search \(/dailyreportonline/search/\)](#)

DAILY REPORT

[\(/dailyreportonline/\)](#)
POWERED BY [LAW.COM \(/\)](#)

[Sign In \(https://store.law.com/Registration/Login.aspx?promoCode=GA&source=https://www.law.com/dailyreportonline/sites/dailyreportonline/2017/12/05/wreck-on-road-closed-for-emc-repairs-sparks-660k-jury-award/\)](#)
[SUBSCRIBE \(HTTPS://STORE.LAW.COM/REGISTRATION/DEFAULT.ASPX?PROMOCODE=GA&SOURCE=HTTPS://WWW.LAW.COM/DAILYREPORTONLINE/SITES/DAILYREPORTONLINE/2017/12/05/WRECK-ON-ROAD-CLOSED-FOR-EMC-REPAIRS-SPARKS-660K-JURY-AWARD/\)](#)

[Publications \(/publications\)](#) [Law Topics \(/topics\)](#) [Cases \(/dailyreportonline/case-digests/\)](#) [Business of Law \(/dailyreportonline/business-of-law/\)](#)

[by Thomas Coarale \(/dailyreportonline/case-digests/\)](#) [Publications \(/dailyreportonline/case-digests/\)](#)

Wreck on Road Closed for EMC Repairs Sparks \$660K Jury Award

By [Greg Land \(/dailyreportonline/author/profile/Greg Land/\)](#) | December 05, 2017 | Originally published on [Daily Report Online \(/dailyreportonline\)](#)

[f](#) [in](#) [t](#) [G+](#) <http://www.almreprints.com>



Ryan Johnson and Jennifer Kurle. Photo by John Disney/ ALM.

The Walton Electric Membership Corp. was hit with a \$660,000 **verdict** (<http://images.law.com/contrib/content/uploads/documents/404/4512/Beal-v-Walton-EMC-verdict.pdf>), its post-apportionment share of a \$1 million award delivered to a man rear-ended after he stopped for a utility pole repair crew.

The Walton County jury allocated 27 percent of the remaining liability the driver of the other vehicle and 7 percent to the county's road department. Both were nonparty defendants.

Atlanta solo Ryan Johnson said the case was complicated by the fact that his client, who suffered neck injuries that required two surgeries, was already unable to work because of back injuries suffered in a prior wreck.

Plaintiff Dustin Beall, now 42, was a truck driver before his first accident.

"He had pre-existing low back issues and was basically disabled and hadn't worked in years," Johnson said.

"He had essentially become a stay-at-home dad, and we said that he'd really adjusted to his new life when this happened; that it was like one step forward and two steps back," said Johnson, who tried the case with Jennifer Kurl of Decatur's KurlLaw.

The Daily Report was unable to reach the defense counsel, Hugh McNatt and Hugh Peterson of Balch & Bingham's Vidalia office.

According to Johnson and court filings, a storm blew down several Walton EMC power poles along a road in Monroe in April, 2014. Walton County sheriffs' deputies closed down a portion of the road, and the county Roads and Bridges Department placed "Road Closed" signs at each end of the closed portion.

The deputies and county road workers left and an EMC crew proceeded to working on the power poles after nightfall.

Beall was in a Ford Explorer when he saw a "very bright light" that appeared to be in the oncoming lane of traffic, the [pretrial order \(http://images.law.com/contrib/content/uploads/documents/404/4512/Beal-v.-Walton-EMC-CPTO.pdf\)](http://images.law.com/contrib/content/uploads/documents/404/4512/Beal-v.-Walton-EMC-CPTO.pdf) said. He then came to the barricade where the EMC employees were working, stopped and asked a worker how long the road would be closed.

According to the defense account, another EMC worker saw a truck approaching without any headlights whose driver appeared to be distracted. He yelled for Beall and his co-worker to look out, and the truck driven by Colby Massey plowed into Beall's vehicle.

Massey was cited for following too closely, the order said.

Beall underwent two surgical spinal fusion operations and accrued about \$206,000 in medical bills, Johnson said.

In 2015, Beall [sued \(http://images.law.com/contrib/content/uploads/documents/404/4512/Beal-v.-Walton-EMC-complaint.pdf\)](http://images.law.com/contrib/content/uploads/documents/404/4512/Beal-v.-Walton-EMC-complaint.pdf) Massey and Walton EMC in Walton County Superior Court.

Both Massey and Beall's insurers paid their \$25,000 policy limits. Massey remained as a defendant but was dismissed shortly before trial, Johnson said.

EMC is insured by the Federated Rural Electric Insurance Exchange. Johnson said he believed there was a \$1 million policy limit, but he never demanded it, and there was no mediation.

"Walton EMC made it clear from the get-go that they thought Colby Massey really had the bulk of the responsibility," Johnson said. "As we got closer to trial, they seemed to be pointing more to the county and the sheriff's department."

The negligence portion of the verdict form included spaces for Beall, Massey, Walton EMC as well as the county Roads and Bridges and sheriff's departments.

The trial before Judge Eugene Benton started Nov. 27 and lasted more than two days. Key expert testimony was provided for the plaintiff by


Douglasville accident reconstructionist Herman Hill, while the defense relied on Daren Marceau from Cary, North Carolina, Johnson said.

The jury deliberated for about 12 hours over two days before return a verdict awarding Beall \$1 million, with the EMC responsible for 66 percent.

Walton EMC's portion is the only recoverable award, Johnson said.

He did not get a chance to speak to the jurors.

"They bolted for the door," Johnson said.

 SHARE ON FACEBOOK  SHARE ON TWITTER

Greg Land

Greg Land covers topics including verdicts and settlements and insurance-related litigation for the Daily Report in Atlanta.



[\(/dailyreportonline/author/profile/Greg_Land/\)](/dailyreportonline/author/profile/Greg_Land/)

More from this author > [\(/dailyreportonline/author/profile/Greg_Land/\)](/dailyreportonline/author/profile/Greg_Land/)

Dig Deeper

[Civil Procedure \(/topics/civil-procedure/\)](/topics/civil-procedure/)

[Energy \(/topics/energy/\)](/topics/energy/)

[Litigation \(/topics/litigation/\)](/topics/litigation/)

[Motor Vehicle Torts \(/topics/motor-vehicle-torts/\)](/topics/motor-vehicle-torts/)

[Public Utilities \(/topics/public-utilities/\)](/topics/public-utilities/)

[State and Local Government \(/topics/state-and-local-government/\)](/topics/state-and-local-government/)

Trending Stories

- 1 **[Broward Judge Faces 30-Day Suspension Without Pay for Referring Hundreds of Mediations to Former Campaign Adviser \(/dailybusinessreview/sites/dailybusinessreview/2017/12/01/broward-judge-faces-30-day-suspension-without-pay-for-referring-hundreds-of-mediations-to-former-campaign-adviser/\)](/dailybusinessreview/sites/dailybusinessreview/2017/12/01/broward-judge-faces-30-day-suspension-without-pay-for-referring-hundreds-of-mediations-to-former-campaign-adviser/)**

[DAILY BUSINESS REVIEW \(/DAILYBUSINESSREVIEW/\)](#)

- 2 **[Just in Time for the Holidays, Kirkland Recruits Another Rainmaker \(/americanlawyer/sites/americanlawyer/2017/12/01/just-in-time-for-the-holidays-kirkland-recruits-another-rainmaker/\)](/americanlawyer/sites/americanlawyer/2017/12/01/just-in-time-for-the-holidays-kirkland-recruits-another-rainmaker/)**

[THE AMERICAN LAWYER](#)
[\(/AMERICANLAWYER/\)](#)

- 3 **[Read the Michael Flynn Plea Agreement, Statement of Offense \(/nationallawjournal/sites/nationallawjournal/2017/12/01/read-the-michael-flynn-plea-agreement-statement-of-facts/\)](#)**

[NATIONAL LAW JOURNAL](#)
[\(/NATIONALLAWJOURNAL/\)](#)

- 4 **[The Ten Highest Paid GCs In America \(/corpcounsel/sites/corpcounsel/2017/11/29/the-ten-highest-paid-gcs-in-america/\)](#)**

[CORPORATE COUNSEL](#)
[\(/CORPCOUNSEL/\)](#)

- 5 **[Defending His Millions, Matt Lauer Turns to Lawyer William Zabel \(/americanlawyer/sites/americanlawyer/2017/12/01/defending-his-millions-matt-lauer-turns-to-lawyer-william-zabel/\)](#)**

[THE AMERICAN LAWYER](#)
[\(/AMERICANLAWYER/\)](#)

Recommended Stories

[DAILY REPORT ONLINE \(/DAILYREPORTONLINE/\)](#)

[May In-House Counsel Provide Legal Services Here If They Aren't Licensed in Georgia? \(/dailyreportonline/sites/dailyreportonline/2017/12/01/may-in-house-counsel-provide-legal-services-here-if-they-arent-licensed-in-georgia/\)](#)

JONATHAN E. HAWKINS OF KREVOLIN & HORST |
DECEMBER 01, 2017

Before taking that in-house position in Georgia, an out-of-state lawyer should know the answer to this question.

[DAILY BUSINESS REVIEW \(/DAILYBUSINESSREVIEW/\)](#)

[As Hurricane Season Ends, Irma Litigation Against FPL Lights Up \(/dailybusinessreview/sites/dailybusinessreview/2017/12/01/as-hurricane-season-ends-irma-litigation-against-fpl-](#)

lights-up/)

[CELIA AMPEL \(/AUTHOR/PROFILE/CELIA AMPEL/\)](#) |
DECEMBER 01, 2017

Attorneys from Squire Patton Boggs and Boies
Schiller Flexner are defending Florida Power & Light
in Hurricane Irma-related litigation.

[NEW YORK LAW JOURNAL \(/NEWYORKLAWJOURNAL/\)](#)

The Electricity Sector Heats Up. But Is Electricity a ‘Good’ Under Article 9? (/newyorklawjournal/sites /newyorklawjournal/2017/10 /04/the-electricity-sector- heats-up-but-is-electricity- a-good-under-article-9/)

BARBARA M. GOODSTEIN | OCTOBER 04, 2017

In her Secured Transactions column, Barbara M.
Goodstein writes: The nature of electricity as an
asset under the UCC will undoubtedly become more
of an issue over time. Overall, most courts
considering the issue have held electricity to
constitute “goods,” although the bankruptcy cases
continue to be divided. New York courts are the sole
outlier in non-bankruptcy cases.

Featured Firms

Law Offices of Mark E. Salomone

2 OLIVER ST
#608
BOSTON,
MA 02109
857-444-6468
www.marksalome.com

Gary Martin Hays & Associates P.C.

235
PEACHTREE
ST NE #400
ATLANTA,
GA 30303
800-898-4297
www.garymartinhays.com

The Law Firm Of Jonathan C. Reiter

350 5TH
AVE
NEW YORK,
NY 10118
212-736-0979
www.jcreiterlaw.com

Presented by BigVoodoo →

ALM Legal Publication Newsletters

Sign Up Today and Never Miss Another Story.

As part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your [My Account \(https://store.law.com/registration/login.aspx?promoCode=GA\)](#) page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

Subscribe Now

<https://store.law.com/registration/login.aspx?promoCode=GA>)
[Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](https://www.alm.com/privacy-policy-new/)

DAILY REPORT [\(/dailyreportonline/\)](#)

[Publications \(/publications/\)](#) / [Law Topics \(/topics/\)](#) / [Cases \(/dailyreportonline/case-digests/\)](#) / [Business of Law \(/dailyreportonline/business-of-law/\)](#)
/ [In-House Georgia \(/dailyreportonline/in-house/\)](#) / [Public Notices \(/dailyreportonline/public-notice/\)](#)
/ [State Court Calendars \(http://calendars.dailyreportonline.com/index.asp?selCourt=State\)](http://calendars.dailyreportonline.com/index.asp?selCourt=State)
/ [Superior Court Calendars \(http://calendars.dailyreportonline.com/index.asp?selCourt=Superior\)](http://calendars.dailyreportonline.com/index.asp?selCourt=Superior)
/ [Editorial Calendar \(/dailyreportonline/editorial-calendar/\)](#) / [Events \(/dailyreportonline/events/\)](#) / [More + \(/dailyreportonline/sitemap/\)](#)

[About Daily Report \(/dailyreportonline/static/about-us/\)](#) / [Contact Us \(/dailyreportonline/static/contact-us/\)](#) / [Site Map \(/dailyreportonline/sitemap/\)](#)
/ [Advertise With Us \(http://mediakit.alm.com/\)](http://mediakit.alm.com/) / [Customer Care \(https://www.alm.com/contact-us/\)](https://www.alm.com/contact-us/) / [Terms of Service \(https://www.alm.com/terms-of-use/\)](https://www.alm.com/terms-of-use/)

LAW.COM^(L)

FOLLOW US



[\(https://www.facebook.com/LawdotcomALM/\)](https://www.facebook.com/LawdotcomALM/)



[. \(https://twitter.com/lawdotcom\)](https://twitter.com/lawdotcom)



[. \(https://plus.google.com/105568464779205123032/posts\)](https://plus.google.com/105568464779205123032/posts)



[\(https://www.linkedin.com/company/25021727/\)](https://www.linkedin.com/company/25021727/)



[. \(http://feeds.feedblitz.com/law/law-com-newswire\)](http://feeds.feedblitz.com/law/law-com-newswire)

Publications

[The American Lawyer \(/americanlawyer/\)](#)
[Corporate Counsel \(/corpcounsel/\)](#)
[National Law Journal \(/nationallawjournal/\)](#)
[New York Law Journal \(/newyorklawjournal/\)](#)
[New Jersey Law Journal \(/njlawjournal/\)](#)
[The Recorder \(/therecorder/\)](#)
[More Publications > \(/publications/\)](#)

Law Topics

[Litigation \(/topics/litigation/\)](#)
[Transactional Law \(/topics/transactional-law/\)](#)
[Law Firm Management \(/topics/law-firm-management/\)](#)
[Legal Practice Management \(/topics/legal-practice-management/\)](#)
[Cybersecurity \(/topics/cybersecurity/\)](#)
[Intellectual Property \(/topics/intellectual-property/\)](#)
[More Law Topics > \(/topics/\)](#)

Rankings

[AmLaw 100 \(/americanlawyer/rankings/am-law-100/\)](#)
[AmLaw 200 \(/americanlawyer/rankings/am-law-200/\)](#)
[Global 100 \(/americanlawyer/rankings/global-100/\)](#)
[National Law Journal 500 \(/nationallawjournal/rankings/the-nlj-500/\)](#)
[Pro Bono Scorecard \(/americanlawyer/rankings/pro-bono/\)](#)
[The A-List \(/americanlawyer/rankings/a-list/\)](#)
[More Rankings > \(/rankings/\)](#)

More

[Events \(/events/\)](#)
[ALM Intelligence \(/alm-intelligence/\)](#)
[Editorial Calendar \(/editorial-calendar/\)](#)
[Resources \(/resources/\)](#)
[Legal Dictionary \(https://dictionary.law.com/\)](#)
[Jobs \(http://lawjobs.com/\)](#)
[Law Firms \(/law-firms/\)](#)
[Law Schools \(/law-schools/\)](#)

Law.com

[About Us \(/static/about-us/\)](#)
[Contact Us \(/static/contact-us/\)](#)
[Site Map \(/sitemap/\)](#)
[Advertise With Us \(http://mediakit.alm.com/\)](#)
[Customer Support \(https://www.alm.com/contact-us/\)](#)
[Terms of Service \(https://www.alm.com/terms-of-use/\)](#)
[FAQ \(/sites/almstaff/2017/10/20/frequently-asked-questions/\)](#)
[Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](#)



Copyright © 2017 ALM Media Properties, LLC. All Rights Reserved.