

Toddler With Brain Injury From Car Wreck Given Record Settlement

On behalf of Johnston, Moore & Thompson

- November 1, 2010

The family of a four-year-old girl has received a substantial settlement after the girl sustained a major [traumatic brain injury](#) in what should have been a minor car accident in October 2008. The personal injury claim holds several parties responsible for the accident, including a well-drilling company, a commercial truck driver, and the manufacturer and distributor of a defective pipe rack installed on the truck.

According to a Grand Chute, Wisconsin, police report, the 2008 truck accident occurred on Wisconsin State Highway 15. The then two-year-old girl was riding in her family's van, and was about to enter the highway heading east. A commercial truck hauling pipes for a well-drilling company was traveling westbound and ran a red light when approaching the exit. Seeing the van, the driver sharply applied his brakes to avoid a collision.

The driver succeeded in averting the accident, but the sudden stop caused a number of pipes to slide off a pipe rack on the top of the truck. One of those pipes crashed through the rear window of the van where the toddler was riding and struck the girl in the head.

It turned out that the truck's pipe rack had a manufacturing defect. It was missing a front stop, and the straps around the pipes were not enough to restrain them in a sudden stop.

The girl sustained a severe brain injury that left her with the functional abilities of a two-year-old. It also permanently blinded her and caused traumatic epilepsy. She will require 24-hour-a-day care for the rest of her life.

Personal Injury and Product Liability Settlement to Provide Lifelong Care for Victim

Cases involving injuries to children are always tragic, and one involving permanent, irreversible harm like a [brain injury](#) or blindness are especially so. In the first two years after the injury, the girl's medical expenses already total \$850,000.

"This case arose from a very tragic event where a lot of things went wrong," said the attorney for the company that distributed the faulty pipe rack. "Everybody who is involved in this case is saddened by the injuries to this girl and the impact it has had on [this] family."

The settlement, which is the largest unsealed settlement in the county's history, requires those responsible for the girl's injuries to pay \$20 million in total. The driver and the well-drilling company he worked for will pay \$1 million in the settlement. The pipe rack manufacturer will

pay \$300,000. The largest portion of the settlement will be paid by the company that distributed the pipe rack without the front stop: \$18.7 million.

Because the victim is a minor, under Wisconsin law the settlement must be approved by a judge. A hearing has been scheduled for Monday, November 1.

Source: Appleton Post-Crescent, "[Lawsuit over 2008 crash that permanently injured Appleton toddler will end in \\$20 million settlement](#)," John Lee, October 28, 2010