

# NORTH CAROLINA Lawyers Weekly



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## UIM insurer to pay \$475K over drunk driving crash

By: David Baugher August 31, 2021

A Macon County jury has awarded \$475,000 to a Georgia man who was seriously injured in a highway crash caused by a drunk driver.

Mark Melrose and Adam Melrose of Melrose Law in Asheville said that their client, Claude Holden Rickman, was driving his pickup truck on Sept. 5, 2016 when James Paul Maddox crossed the center line and struck his vehicle.

Adam Melrose—who provided all of the comments on the verdict for this story—said that liability was uncontested, and so evidence of Maddox’s intoxication wasn’t allowed to be introduced at the damages-only trial that concluded on July 30, but Maddox was driving drunk and traveling at more than 100 mph when the crash happened.

“It hit hard enough that the truck popped into the air, rotated, and landed on the guard rail,” Melrose said.

Maddox died at the scene. Melrose said that Rickman, who was 61 at the time of the crash, was rushed to the hospital. He suffered five rib fractures, a concussion, a mild traumatic brain injury with memory issues, left shoulder and neck pain, left knee pain, and loss of income due to the crash, and also required

a left hip replacement.

Melrose said that Maddox’s liability insurance quickly tendered its \$30,000 limit, but Rickman sued his own insurer, Georgia Farm Bureau, which had issued an underinsured motorist policy to him with a \$700,000 limit.

Melrose said the verdict exceeded the \$350,000-\$450,000 Rickman had requested despite the trial taking place in a conservative venue in the western part of the state. He felt that jurors genuinely liked his client.

“He is one of the most pleasant individuals I’ve ever met,” Melrose said. “He’s very hard-working, works six days a week, and he just came across as extremely authentic.”



Adam Melrose



Mark Melrose

Punitive damages can’t be levied against a dead person, and Rickman’s attorneys decided not to introduce medical expenses at trial, since the relatively low admissible medical expenses of around \$30,000 could have served as an anchor to drag down the jury verdict. They did introduce evidence of \$100,000 in lost income for Rickman, a self-employed general contractor, buttressed by testimony from his company’s bookkeeper.

Maddox’s estate wasn’t represented at trial. L. Cameron Caudle of Caudle & Spears in Charlotte represented Georgia Farm Bureau. Caudle didn’t return a call seeking comment on the verdict.

Melrose said that the insurer's highest offer had been \$100,000, and it argued that Rickman hadn't lost as much in wages as was claimed, and that his hip replacement was likely to have occurred anyway due to arthritis. Melrose said that Rickman's right hip had been replaced before the accident, but he'd had no complaints of pain in his left hip until after the crash.

## VERDICT REPORT – MOTOR VEHICLE CRASH

**Amount:** \$475,000

**Injuries alleged:** Left hip replacement, five rib fractures, concussion, mild traumatic brain injury with memory issues, left shoulder and neck pain, left knee pain, loss of income

**Case name:** Claude Rickman v. The Estate of James Maddox

**Court:** Macon County Superior Court

**Case No.:** 17-CVS-620

**Judge:** William Long

**Date of verdict:** July 30

**Demand:** \$350,000-\$450,000

**Highest offer:** \$100,000

**Special damages:** \$100,000 in lost income

**Insurance carrier:** Georgia Farm Bureau

**Attorneys for plaintiff:** Mark Melrose and Adam Melrose of Melrose Law in Asheville

**Attorney for defendant:** L. Cameron Caudle of Caudle & Spears in Charlotte for Georgia Farm Bureau

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