

IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA
COUNTY, FLORIDA

BOBBY J. KNIGHT, as Personal Representative of the
ESTATE OF VASHAWN L. BRINSON,

Plaintiff,

CASE NO. 2007 CA 14900 NC

v.

RICHARD D. KING, and
LANDSTAR RANGER INC.,
_____ /

VERDICT FORM

We, the jury, return the following verdict:

1. Was there negligence on the part of Defendant, Richard D. King, which was a legal cause of loss, injury or damage to Vashawn L. Brinson?

YES X

NO _____

If your answer to question 1 is NO, your verdict is for the defendants, and you should not proceed further except to date and sign this verdict form and return it to the courtroom. If your answer to questions 1 is YES, please answer question 2.

2. Was there negligence on the part of Vashawn L. Brinson which was a legal cause of his loss, injury or damage?

YES X

NO _____

Please answer question 3.

3. State the percentage of any negligence which was a legal cause of loss, injury or damage to Vashawn L. Brinson that you charge to:

Defendant Richard D. King
Vashawn L. Brinson

 50 %
 50 %

By answering the following questions you will determine the damages if any that the Estate of Vashawn L. Brinson, Jeremiah Brinson, a minor, and Amber Brinson, a minor, sustained as a result of the incident in question. In determining the amount of damages, do not make any reduction because of the negligence, if any, of Vashawn L. Brinson. If

you find that Vashawn L. Brinson was to any extent negligent, the court in entering judgment will make an appropriate reduction in the damages awarded.

DAMAGES OF THE ESTATE

4. What is the amount of medical or funeral expenses due to the decedent's injury or death?

\$ 7500⁰⁰

TOTAL DAMAGES OF THE ESTATE
(enter total of line 4)

\$ 7500⁰⁰

DAMAGES OF JEREMIAH BRINSON

5. What is the value of any amount of any past damages sustained by Jeremiah Brinson in the loss of parental companionship, instruction and guidance, and in the child's mental pain and suffering as a result of the decedent's injury and death?

\$ 100,000⁰⁰

6. What is the present value of any future damages sustained by Jeremiah Brinson in the loss of parental companionship, instruction and guidance, and in the child's mental pain and suffering as a result of the decedent's injury and death?

\$ 900,000⁰⁰

TOTAL DAMAGES OF JEREMIAH BRINSON
(add lines 5 and 6)

\$ 1,000,000⁰⁰

DAMAGES OF AMBER BRINSON

7. What is the value of any amount of any past damages sustained by Amber Brinson in the loss of parental companionship, instruction and guidance, and in the child's mental pain and suffering as a result of the decedent's injury and death?

\$ 100,000⁰⁰

8. What is the present value of any future damages sustained by Amber Brinson in the loss of parental companionship, instruction and guidance, and in the child's mental pain and suffering as a result of the decedent's injury and death?

\$ 900,000⁰⁰

TOTAL DAMAGES OF AMBER BRINSON
(add lines 7 and 8)

\$ 1,000,000⁰⁰

SO SAY WE ALL this 28th day of January, 2010

Richard L. Pasota Foreman or Forewoman

IN THE CIRCUIT COURT OF THE 12TH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

Bobby J. Knight, as Personal
Representative of the Estate of
Vashawn L. Brinson,

Plaintiff,

v.

Case No. 2007 CA 14900 NC /

Richard D. King and
Landstar Ranger, Inc.,

Defendants.

**ORDER ON MOTION FOR ENTRY OF JUDGMENT IN ACCORDANCE DEFENDANTS' MOTION FOR
DIRECTED VERDICT**

This lawsuit was an action for wrongful death filed on behalf of Bobby J. Knight, as Personal Representative of the Estate of Vashawn L. Brinson. ("Mr. Knight" as to the party, "Mr. Brinson" as to the decedent)

The claim of the lawsuit alleged that Landstar negligently operated a semi-trailer on March 28, 2007, causing the vehicle to collide with Mr. Brinson, resulting in his death.

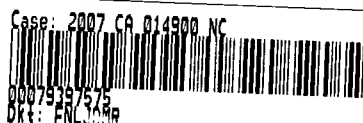
The case proceeded to jury trial on January 25th through January 28th, 2010. Landstar moved for a directed verdict at the close of the Plaintiff's case-in-chief as well as at the close of all of the evidence. The Court reserved ruling on the Motion for Directed Verdict, thereby allowing the case to go to the jury. After a lengthy deliberation the jury rendered a verdict in favor of Mr. Knight, awarding Mr. Brinson's two surviving minor children one million dollars (\$1,000,000.00) each, funeral expenses of seven thousand five hundred dollars (\$7,500.00), and a finding of comparative fault on the part of Mr. Brinson in the amount of fifty percent (50%).

By this Motion, Landstar requests that this Court enter a final judgment in favor of Landstar, notwithstanding the jury's verdict, because the facts adduced during the course of the trial; including all exhibits and testimony and all inferences to be drawn in favor of Mr. Knight, lead to the conclusion that Landstar cannot be held liable as a matter of law.

The Court in considering this motion has relied on the following:

1. The testimony at trial.
2. The evidence presented including all the exhibits.
3. The motions and memorandums presented.
4. The Court's own recollection of the testimony and evidence.
5. The case law and statutes applicable.

4/19/20101



KAREN E. TOSCHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY FL

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FINDINGS

In *Fell v. Carlin*, 6 So.3d 119, 120 (Fla. 2d DCA 2009), the Second District affirmed the position that a motion for directed verdict should be granted only where no view of the evidence, or inferences made therefrom, could support a verdict for the non-moving party.

The Plaintiff's theory consisted of a combination of allegations that the Defendant's illegal speeding and failure to apply turn signals to move over, and the failure in application of braking along with Defendant's failure to properly scan and keep a look out for hazards near a disabled car, all caused or contributed to the death of the decedent.

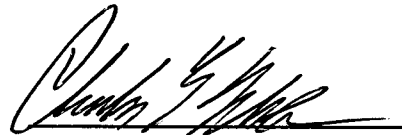
During the trial the Defendant's safety manual introduced evidence relevant to this argument. The plaintiff also presented expert testimony that the defendant was speeding prior to the crash.

The issue of a duty by the Defendant properly went to a jury based upon the factual questions created by the testimony of the witnesses and the evidence introduced.

RULING

The Motion is **DENIED**. Judgment is entered in favor of Mr. Knight in the amount of one million three thousand seven hundred fifty dollars (1,003,750.00), reflecting the fifty percent (50%) reduction in the jury's award reflecting comparative fault attributable to Mr. Brinson. A separate Final Judgment reflecting this shall be entered.

Done and Ordered this 19th day of April, 2010, in Chambers, in Sarasota, Sarasota County, Florida.



**Charles E. Williams
Circuit Court Judge**

cc.

**James L. O'Leary, Esq.
28089 Vanderbilt Drive
Suite 202
Bonita Springs, Fla. 34134**

**Kevin Crews, Esq.
Wicker, Smith, et al.
P.O. Box 2753
Orlando, FL 32802-2753**

IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA
COUNTY, FLORIDA

BOBBY J. KNIGHT, as Personal Representative of the
ESTATE OF VASHAWN L. BRINSON,

Plaintiff,

CASE NO. 2007 CA 14900 NC /

v.

RICHARD D. KING, and
LANDSTAR RANGER INC.,
_____ /

FINAL JUDGMENT

THIS ACTION was heard by a jury which rendered a verdict in favor of the Plaintiff, BOBBY J. KNIGHT, as Personal Representative of the ESTATE OF VASHAWN L. BRINSON, in the total amount of Two Million Seven Thousand Five Hundred Dollars and no cents (\$2,007,500.00). The jury assessed 50% comparative negligence against the decedent, VASHAWN L. BRINSON. As a result, Defendants are entitled to a setoff of One Million Three Thousand Seven Hundred Fifty Dollars (\$1,003,750.00) (50%) of the total verdict.

It is therefore adjudged that the Plaintiff, BOBBY J. KNIGHT, as Personal Representative of the ESTATE OF VASHAWN L. BRINSON, shall recover from the Defendants, RICHARD D. KING, and LANDSTAR RANGER INC., the sum of One Million Three Thousand Seven Hundred Fifty Dollars (\$1,003,750.00), that shall bear interest at the rate of 6% per year for which let execution issue.

The Court reserves jurisdiction for the purpose of awarding taxable costs and interest and attorneys' fees, if applicable.

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PEN E. PISHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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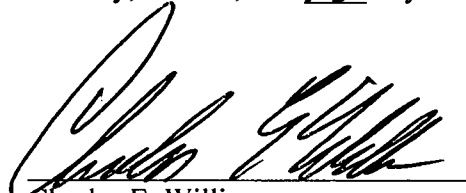
Case: 2007 CA 014900 NC



0006284598
Dkt: FNCJDR

DONE AND ORDERED in Sarasota County, Florida, this 19th April day of February,

2010.

A handwritten signature in black ink, appearing to read "Charles E. Williams", written over a horizontal line.

Charles E. Williams
Circuit Court Judge

Copies furnished to:
James L. O'Leary, Esq.
Kevin Crews, Esq.