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\$6.5 Million Settlement for Huntley Trucking Accident Victims

***Truck driver under the influence of marijuana caused death of 32-year-old wife and mother;
Record \$4.7 million wrongful death settlement in Kane County***

CHICAGO, October 29, 2010 – A \$6.5 million settlement was approved today in the Circuit Court of Kane County in a trucking accident/wrongful death lawsuit brought by the family of Tabitha Carroll, 32, formerly of East Dubuque, IL. Tabitha died on October 31, 2008 when a tractor-trailer owned by Geils Farms and driven by Jeffrey Repec of Spring Grove rear-ended the pick-up truck that Tabitha was riding in with her husband, Randolph “Randy” Carroll, and 3-year-old son, Gabriel. Police determined that Repec was under the influence of marijuana when the crash occurred. John J. Perconti of Levin & Perconti represented the Carroll family in the lawsuit.

During the course of the lawsuit, it was discovered that the farm owners did not randomly drug screen their drivers in violation of Part 382 of the Federal Motor Carrier Safety Administration’s regulations. They also failed to perform background checks on their drivers or obtain a copy of each driver’s driving record. Additionally, the farm was in violation of federal regulations by operating an over-loaded semi, weighing more than 80,000 pounds. Furthermore, Geils Farms allowed Repec to operate an unsafe semi-truck. After the collision, it was found that truck’s left rear turn signal was inoperable, five of the ten brakes were out of adjustment, and some of the truck’s brake pads were contaminated by oil or grease, making the vehicle inadequate for braking and safe stopping.

The fatal accident occurred on Halloween day on Route 47 near I-90 in Huntley. The Carroll family intended to visit Goebbert's Pumpkin Patch when the accident occurred. Repec failed to recognize the vehicles in front of him had stopped and struck the Carroll vehicle from behind at a high rate of speed. The collision pushed and crushed the Carroll vehicle into a stopped IDOT truck. Tabitha was pronounced dead at the scene and Randy and Gabriel were airlifted to separate hospitals with serious injuries.

The lawsuit, filed in January 2009, alleged that Repec was operating a motor vehicle under the influence of drugs, driving over the speed limit and failing to keep a proper look out. Police at the scene found drug paraphernalia and marijuana in Repec’s possession and he later tested positive for marijuana. Repec pled guilty to aggravated driving under the influence of drugs and is serving a 45 month sentence in the Jacksonville Correctional Center.

The settlement was reached during mediation with all parties present, including attorneys for Repec and Geils Farms. The family received \$4.7 million for the wrongful death of Tabitha, \$1.5 million for Randy's personal injuries and \$300,000 for Gabriel's injuries. The editor of the *Illinois Jury Verdict Reporter* has confirmed that this is the largest wrongful death settlement in Kane County.

"The Carroll family has suffered needlessly at the hands of someone who should have never been allowed to operate a tractor trailer," said John Perconti. "Geils Farms' failure to implement a screening program for their drivers was careless and demonstrated a reckless disregard for the safety of others."

"If Geils Farms had a program in place to test their drivers for drugs and alcohol, this accident would not have occurred," added Perconti. "The settlement will compensate the family for the wrongful death of Tabitha and for the personal injuries suffered by Randy and Gabriel. Tabitha was a loving and caring wife and mother to Randy and Gabe."

Randy, who now lives in Woodstock, IL with Gabriel, suffered multiple injuries in the accident, including a broken spine, facial fractures and respiratory failure. Due to his overwhelming injuries, he was hospitalized for one month and was unable to attend his wife's funeral. Gabriel suffered two broken legs, head injuries and a laceration across his forehead which resulted in permanent scarring. He required casting on both legs which prevented him from walking for a month following the accident.

Levin & Perconti is a nationally renowned law firm concentrating in all types of personal injury, medical malpractice, and wrongful death litigation. The lawyers at Levin & Perconti are committed to protecting and vindicating the rights of people who are injured by the negligence of others. Please contact the firm at (312) 332-2872 or visit www.levinperconti.com for more information.

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