

# Truck Accident Defense

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## Professionals

Jonathan Massell

Dennis J. Lynch

James W. Bryan

When a serious trucking accident occurs, a trucking company, its driver and other potentially liable parties need experienced defense counsel immediately. Our team understands trucking and the challenges facing the defense in truck accident litigation.

Nexsen Pruet's Truck Accident Defense Group has extensive litigation experience and can respond immediately and proactively. That response can range from one of our attorneys going to the crash site itself with flashlight, measuring tape and camera, to handling settlement negotiations and appeals court proceedings months or years down the road.

Our attorneys know the federal motor carrier safety regulations and the critical role they play in many claims. We serve a range of clients who face potential liabilities in serious truck accidents: the motor carrier, owner-operator, truck driver, broker and trailer owner or lessee. Whether the client is self-insured or has an insurer who is providing the defense, Nexsen Pruet aggressively seeks to protect the client's interests.

Defending these complex claims for years has taught us the importance of teamwork, effective communication and understanding the big picture.

Our approach is multi-faceted. We respond to an emergency by rapidly dispatching an accident reconstruction expert and an independent adjuster to the scene. If it makes sense, one of our attorneys will join the emergency response team on site. We make sure evidence is documented and preserved. We talk with and give advice to the driver and safety personnel of the company. Managing the crisis is of utmost importance.

Our lawyers are experienced in handling relations with law enforcement and later with the district attorney (in North Carolina) or solicitor (in South Carolina). In subsequent weeks and months, we continue to investigate with witness interviews and start developing strategies. By the time a lawsuit is filed, the groundwork has been laid for a formidable defense.

We have significant courtroom experience and skills and have successfully handled truck wreck cases through discovery, trial and appeals in state and federal courts. We are also skilled at negotiating reasonable settlements, which often provide the fastest and least expensive resolution for all parties involved.

As part of our investigation, we especially focus on the following areas, which are often critical for successful defense:

- Admissibility of computer-generated evidence
- Braking systems
- Cargo securement
- Commercial driver license requirements
- Comparative negligence in South Carolina
- Contributory negligence in North Carolina
- Crash reports of state highway patrol
- Drug and alcohol testing
- Driver logs
- Driver qualifications
- Electronic on-board recording equipment
- Employee safety and health standards
- Expert witness reports and testimony
- Federal motor carrier safety regulations
- Hazardous materials transport
- Hours of service
- Motor carrier safety rating
- Proximate cause
- Punitive damages
- Record retention
- Shipping and trip documents
- Spoliation of evidence
- Trial preparation
- Vehicle maintenance
- Witness interviews
- Witness preparation for depositions and trial

## Established professional reputations

Attorneys in Nexsen Pruet's Truck Accident Defense Group have built strong reputations throughout and beyond the Carolinas. We frequently appear as speakers, presenters, and panel participants at litigation seminars, and are active in professional and industry organizations.

Many of us have earned the highest possible ranking for legal ability and professionalism, and our group has members listed in *Best Lawyers in America*. We have members in the Trucking Industry Defense Association, the North Carolina Trucking Association and the South Carolina Trucking Association. Dennis Lynch, co-chair of the Truck Accident Defense Group, is vice chair of the South Carolina Defense Trial Attorney's Association's Trucking Substantive Law Committee.

## Experience

Snider Fleet Solutions  
Sheetz Distribution Facility

## Insights

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TIDA's Amicus Brief Committee - Are you a Friend of the Court?