

# Jury awards \$16.1 million to Portage family

Story

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BY BILL DOLAN

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HAMMOND -- A Lake Superior Court jury has awarded more than \$16 million to a Portage family who survived after a moving van crushed their car seven years ago.

Hammond attorney David W. Holub said a weeklong trial here resulted in a verdict Friday against Bekins Van Lines of Hillside, Ill.

He said jurors decided van driver Ricky Westray, 48, of Vandalia, Ohio, negligently injured John and Dolores Wright and their 10-year-old son, Samuel.

Jurors awarded \$1,145,000 in compensatory damages for the Wrights' medical bills and \$15 million in punitive damages against the corporation.

"The punitive damage award is shocking and won't stand up to Indiana law. It is a case of a runaway jury," Chicago lawyer Gary Klages, who represented Bekins, said Monday. "Accidents do happen in this world. ... It was purely human error."

He said Bekins will appeal.

Holub said the truck driver was traveling north on Interstate 65 on Dec. 23, 1996, in a fully loaded truck weighing 65,000 pounds, when he failed to notice two cars stopped behind a red light at the entrance/exit ramps to the Indiana Toll Road in Gary.

Westray testified during a 1999 criminal trial that he momentarily took his eyes off the road. Klages said Westray "was distracted by smoke coming from his trailer and unfortunately caused the accident."

Westray said he steered hard to avoid the car, but drove right over it. He veered into the second vehicle, an Audi, and smashed it as well before he was able to pull his rig to the side of the highway.

The impact injured the three Wrights and instantly killed Dolores' mother-in-law, Jean Wright, 64, of 198 S. Union St., Gary, and Dolores' aunt, Nancy Vincent, 68, of Kingmont, W.Va.

Harold Whiting and Katrina Whiting, of 8341 Lakewood Ave., Gary, who were in the Audi, were injured, but have recovered.

Holub said Westray "had a history of about 21 moving violations. The (state police) trooper who inspected the truck ... found some mechanical deficiencies. The trooper said that if he had stopped the truck before the accident and found those deficiencies, he would he would have placed the truck out of service."

Westray pleaded guilty in 1999 to a charge of criminal recklessness. Lake Criminal Court Judge Clarence Murray suspended his drivers license for a year and gave Westray a suspended one-year jail sentence.

Holub said he argued for punitive damages because Bekins keeps unsafe drivers on the road and fostered an environment that allowed drivers to go unpunished for failing to report traffic convictions as required by federal law.

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