

## Verdicts & Settlements

# Airline, former employee sued after fatal car crash

### Defense verdict

On April 26, 2002, the defendant employee reported to work at American Airlines' Logan Airport facility. At the time, he was employed as a cabin stockroom clerk at a remote warehouse site at the airport and routinely was the only person on the premises.

Several hours after arriving at work, he left the warehouse without telling his supervisor or anyone else at American that he was leaving early. Consistent with his prior deposition testimony, he testified at trial that he left approximately at midnight without punching out and proceeded alone to a bar.

The employee further testified that he did not drink any alcohol prior to arriving at the bar, where he consumed one-and-a-half drinks of whiskey and water. He then drove to a restaurant before heading home. At approximately 2 a.m., he veered into the breakdown lane, striking and killing a 19-year-old woman who was in the process of re-entering her vehicle.

The employee was arrested shortly after the accident and, after taking a breath test, was charged with driving while intoxicated and mo-

tor vehicle homicide. He subsequently pleaded guilty to both charges and was incarcerated for two years.

Soon after the accident, American terminated the employee, in accordance with its customary disciplinary policies, for leaving work without authorization.

The victim's parents asserted claims for wrongful death against both American and the employee.

American vigorously opposed introduction of testimony alleging that the defendant employee had been intoxicated at work, contending that the offering witness was a disgruntled former employee and that another declarant was not even on duty that evening. Furthermore, the putative declarant had been deposed and denied making any such statements. American later was allowed to introduce service records and a contemporaneously made diary, which demonstrated that on the days in question, the second declarant had not been at work.

The trial judge allowed the plaintiffs to present testimony that the defendant employee's co-workers on prior occasions had stolen alcohol under American's control for brief periods of time and

had surreptitiously consumed alcohol while on the job. Several American employees and ex-employees testified to occasions when alcohol had been consumed onsite at Logan in violation of company rules.

**Type of action:** Motor vehicle negligence

**Injuries alleged:** On-the-job intoxication leading to fatal car accident

**Name of case:** Holland, Admins. v. Singleton, et al.

**Court/case no.** Middlesex Superior Court, No. 04-2301

**Tried before judge or jury:** Jury

**Name of judge:** Thomas P. Billings

**Amount of verdict:** \$0 (defense verdict)

**Date:** Nov. 24, 2008

**Demand:** \$1.9 million

**Highest offer:** \$2,500

**Attorneys:** Michael A. Fitzhugh and Meg Bressette (paralegal), Fitzhugh & Mariani, Boston (for defendant American Airlines); John Horn, Boston (for defendant Mark Singleton)