

## CASE REVIEW

[Tamara K. Humphreys v, Paul Stutzman, Gary Roth, Schneider National Carriers, Inc., Curly's Dairy, Inc., et al. Linn County Circuit Court Case No. 890838.](#)

On a clear August afternoon, Plaintiff Tamara Humphreys was driving north on I-5 about 4 miles south of Albany, Oregon. Two farmers, defendants Roth and Stutzman, after harvesting their rye grass seed, decided, despite a westerly wind, to burn the waste straw and stubble. The fire spread into another field, moved fast toward I-5 and produced an enormous volume of dark smoke which crossed I-5. Tamara was forced to slow because of the impaired visibility and was struck by a Schneider tractor and trailer and then by a Curly's tractor and trailer driving her car forward into the rear of another trailer stopped in the smoke. Tamara suffered multiple serious and permanent injuries including many fractures of the face and head, injuries of the lower body with internal lacerations and tears of her intestines and bowels, injuries of her back, hip and spine, including compression fractures of L-3, and other fractures of L-2 and L-3, compression of the spine, tears to interspinous ligaments, injuries to the chest, heart and lungs, and multiple bruises and abrasions.

Art filed an action for Tamara against the farmers and the two truck companies. However, within a short time many other claims were filed for other injured parties as a total of 67 vehicles had crashed in the smoke in the northbound lanes and 27 vehicles crashed in the southbound lanes.

The case required extensive and thorough accident reconstruction and Art had the assistance of the best experts.

Motions to consolidate all of the cases for trial were made by some parties. The Court ruled that the cases would be consolidated for discovery, but that each victim was entitled to a separate trial. Art Johnson was appointed lead counsel for all plaintiffs and attorney Ralph Spooner, an experienced and highly respected defense counsel from Salem, was appointed lead counsel for all defendants. After nine months of discovery, including depositions of driver after driver, and obtaining of documents reflecting the maintenance, control and speed of all trucks involved, and the work hours of every driver, a mediation of all cases was ordered by James Goode, Circuit Court of Linn County, where most of the cases had been filed, and by U.S. District Court Judge Michael Hogan in Eugene, where some cases had been filed. Judge Michael Hogan conducted the mediation beginning in his courtroom on Monday at 10:00 a.m. and continuing that night until 8:00 p.m. He resumed the mediation Tuesday morning at 8:00 a.m. and continued it until 9:00 p.m. That schedule was maintained every day of that week until after the dinner hour of Friday, when the final issues were resolved.

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In the mediation, Tamara Humphreys obtained what she believed was full and fair compensation for her injuries, pain and suffering, her loss of earnings, medical care, and permanent disability.