

South Florida Lawyers Win \$38M Verdict in Tire Defect Case

The plaintiff was driving a cement truck when the tire blew out and the truck rolled over. He was left quadriplegic.

By Celia Ampel | March 26, 2018



Ernesto L. Santos Jr., Jay Halpern, and Ian D. Pinkert, of Halpern Santos & Pinkert Photo: J. Albert Diaz

Coral Gables lawyers won a nearly [\\$38 million verdict](#) against a major tire manufacturer after a cement truck blew out tire and rolled over, leaving the driver quadriplegic.

Plaintiff Robert Benedict was on a cement delivery in Chesterfield, Virginia, in 2014 when the Hankook Tire Co. tire broke apart and sent the truck veering off the road. The truck hit an embankment and flipped, pinning Benedict in the

cab. A witness, an ex-Marine who served in Kuwait, said the crash was so violent it would stick with him forever, plaintiffs attorney Jay Halpern said.

Benedict, then 50, broke his neck and was paralyzed. He also had 12 rib fractures, three thoracic fractures, two arm fractures and a ruptured spleen, among other injuries. The crash changed everything for Benedict, his wife, whom he met while serving in Iraq, and their two daughters.

“Mr. Benedict is a wheelchair-bound quadriplegic and is dependent on assistance for all of his activities of daily living,” said Halpern of Halpern Santos & Pinkert in Coral Gables. “Despite his injuries, he is delightful, positive and uplifting to anyone he encounters. He works hard for every morsel of function he can obtain.”

Halpern was brought into the Virginia federal lawsuit by local counsel Jonathan Halperin, who chose him not only for his tire expertise but also for the similarity of their names. Each lawyer leads a three-attorney firm, and they knew they were facing a tough opponent represented by the 3,600-lawyer firm [DLA Piper](#). The company, whose U.S. headquarters is in Tennessee, has a reputation for not settling cases, Halpern said.

“Hankook is known for sort of a scorched-earth playbook: Challenge everything, fight everything, present as many obstacles as possible, make it as time-consuming and expensive as possible,” he said.

The tire company and DLA Piper attorneys Joel Dewey and Steven Har did not respond to requests for comment by deadline.

Plaintiffs counsel’s first challenge was rooting out the cause of the tire explosion. They hired tire expert David Southwell of Australia, who did a

detailed analysis of the tire and determined it was an accident waiting to happen.

The 9-year-old tire still had plenty of tread left, Halpern said. But Southwell found manufacturing defects that caused the tire to have incomplete adhesion. The inner liner of the tire was too thin, and patterns were visible in the rubber inside the tire that showed it hadn't been fully vulcanized or "cooked," according to Southwell.

At trial before U.S. District Judge Robert Payne in Richmond, Virginia, defense counsel argued the tire hit something about 200 miles before Benedict's crash, leading to the blowout. The defense expert pointed to a broken belt in the tire as evidence of a prior impact.

The plaintiffs lawyers said the tread and other belts on that part of the tire were pristine: "We argued that it defied the laws of physics for belt No. 2 to be broken from some outside force without the tread and the other two belts that are above belt No. 2 showing any sign of impact or breakage," Halpern said.

It was challenging to make the "subtle and arcane" details of tire forensics understandable to a jury, Halpern said. The plaintiffs lawyers knew Hankook had won cases like this: The team traveled to Tennessee to watch a similar trial about a flipped cement mixer with a Hankook tire, which resulted in a [defense verdict](#).

But the jury ultimately gave the plaintiff every penny requested, amounting to about \$37.8 million. Halpern credited the judge for being meticulous and discerning about excluding evidence submitted by both parties that he deemed extraneous. Halpern also said his client was a joy to represent.

“When I came to the courthouse every day ... I was sleep-deprived, and he was always pleasant when he greeted me and when he dealt with anyone, including the defense lawyers,” Halpern said. “He treated them with great respect and kindness and a pleasant attitude. I was very motivated to work for this client because he had such catastrophic injuries but such a great spirit.”

Case: Robert Benedict v. Hankook Tire et al **Case No.:** 3:17-cv-00109-REP
Description: Product liability **Filing date:** Feb. 3, 2017 **Verdict date:** March 9, 2018 **Judge:** U.S. District Judge Robert Payne **Plaintiffs attorneys:** Jay Halpern, Ernesto Santos and Ian Pinkert, Halpern Santos & Pinkert, Coral Gables; Jonathan Halperin, Andrew Lucchetti and Isaac McBeth, Halperin Law Center, Glen Allen, Virginia **Defense attorneys:** Joel Dewey, Baltimore, Steven Har, New York, DLA Piper; Martin Conn and Matthew Hundley, Moran Reeves Conn, Richmond, Virginia **Verdict amount:** \$37.8 million

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