

## Fulton Jury Awards \$7.7M in Motorcyclist's Fatal Wreck

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A Fulton County jury delivered a post-apportionment [award](#) of more than \$7.7 million to the son of a motorcyclist killed when a woman pulled out in front of him.

The original [verdict](#) totaled \$8.6 million, but was reduced by 10 percent to reflect liability on the part of the deceased, Andrew Foster. A key issue in the case was Jaquondril Davis' speed before the wreck, said plaintiff's attorney Charles "Trip" Johnson III of John Foy & Associates.

"The defense alleged that he was traveling 100 miles an hour at the time of the collision," said Johnson. "The investigating officer testified at trial that he would have been charged with violating the Super Speeder Law if he'd lived."

Georgia's Super Speeder Law provides enhanced penalties for anyone convicted of driving more than 75 mph on a two-lane road or 85 mph on any road or highway.

Defense attorney Thomas Mitchell of Marietta's Mitchell Law Group declined to comment.

The accident happened at about 7:45 p.m. on Oct. 5, 2015, when Davis was leaving work at the Sunny Delight Beverages plant in south Fulton County. According to Johnson and the pretrial [order](#), Davis pulled her Buick Regal out of the parking lot onto LaGrange Boulevard, crossing two lanes to make a left turn.

Foster, who was a contract forklift operator at the same plant, was leaving work from another building on his Suzuki. He was unable to stop and hit Davis' car on the driver's side and was pinned beneath it. Foster, 27, died at the scene.

Johnson said Davis was cited for failure to yield the right of way and vehicular homicide. The latter charge was dropped.

He said Davis' insurer, Loya Insurance, failed to timely respond to a time-limited demand for her \$25,000 policy limit, and never offered any more than that sum prior to trial.

Kelsee Broughton, the mother and next best friend of Foster's now 10-year-old son Jaden Broughton-Foster, [sued](#) Davis in Fulton County State Court in 2016. A court-ordered mediation earlier this year failed to resolve the dispute.

Trial began Sept. 18 before Judge Jane Morrison.

Johnson said the investigating officer testified that a surveillance video from a nearby roadway led him to calculate Foster was traveling between 55 mph and 120 mph.

"That was a huge range, and a big issue at trial," he said, particularly given that the parties were denied access to the video itself.

Johnson said Davis testified at trial that Foster "came out of nowhere" and that she had no opportunity to avoid him. The defense portion of the pretrial order also said Foster may have been popping a wheelie as he drove down the street, but Johnson said that allegation never came up in trial.

Johnson said his expert witnesses included Sandy Springs accident reconstructionist Tom Vadnais and Georgia State University economist Bruce Seaman, to calculate the value of Foster's life.

Vadnais testified that "the issue of speed was not the cause of the collision, but the fact that the vehicle pulled out in front of him and he had no time to react," Johnson said.

The defense qualified the investigating officer as their accident reconstructionist "over the plaintiffs' objections," Johnson said.

Johnson said he asked for about \$15 million at closing, including \$852,272 in economic damages.

The jury took about two-and-a-half hours to deliver its verdict on Sept. 20, he said. After apportioning 10 percent of the liability to Foster, the total was \$7,740,000.

Johnson said the highly educated jury was equally divided by sex, and included several engineers and one or two attorneys.

"I think they were particularly attuned to my experts' analysis and to the police officer's analysis regarding the speed calculation," he said.

In conversation afterward, Johnson said "there was agreement that speed was an issue in the case, but ultimately it turned on the fact that the defendant failed to yield the right of way. The damages were based on the testimony of witnesses about quality of life Andrew lived."

# DAILY REPORT

Greg Land

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