

The Legal Intelligencer

\$2M Settlement for Workers Over PTSD From Witnessing Colleague's Death

Max Mitchell, The Legal Intelligencer

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Nine Pennsylvania Turnpike workers who saw their co-worker get hit by a truck while on a road maintenance project have settled for \$2 million over claims that the fatal crash caused post-traumatic stress disorder.

According to court records in *Rudzik v. Jensen*, although one of the plaintiffs was hit by the truck and sustained a shoulder injury, the other plaintiffs who settled had sought recovery for mainly post-traumatic stress disorder-related injuries, including anxiety, depression and insomnia.

"It's unusual that you have a personal injury case in which the major component of damages being claimed is emotional distress only," said **Galfand Berger attorney Richard Jurewicz**, who represented the plaintiffs. "It's very rare."

The family of William McGuigan, the man who was hit and killed in the crash, brought wrongful death and Survival Act claims in a separate suit that was consolidated with the *Rudzik* case. That suit, which Jurewicz is not involved in, is expected to hit trial in the Philadelphia Court of Common Pleas early next year.

The settlements stemming from the *Rudzik* case include seven plaintiffs who are expected to receive \$160,000 each for their PTSD-related claims. The man who was hit by the truck and survived, Stephen Rudzik, is set to receive \$615,000 from the settlement, and Andrew Phipps, who pulled McGuigan's body off the road after the accident, is expected to receive \$265,000 from the settlement.

Phipps, court papers said, got blood and brain matter on himself during the incident, and claimed that he has needed some medical treatment due to the blood exposure.

According to the plaintiffs' pretrial memo, at about 8 a.m. June 1, 2014, the 10-man crew were working on the maintenance project on the Pennsylvania Turnpike in which a lane of travel had been closed.

Defendant Efrain Jensen was driving a commercial truck about 10 to 15 mph over the speed limit, when he swerved into the work zone lane to avoid crashing into a smaller vehicle in front of him, and hit McGuigan and Rudzik. The rest of the plaintiffs, the memo said, had to "jump out of harm's way and avoid getting struck and run over."

Three of the plaintiffs were in Turnpike vehicles, and "at the mercy" of the tractor-trailer as it careened toward them. One of the plaintiffs also dove over a guardrail and rolled down an embankment, while two others dove to the ground and rolled up against the guardrail, the memo said.

Rudzik, according to the memo, was knocked unconscious.

The memo said "plaintiffs became emotionally traumatized" when they witnessed their co-worker's body being dragged by the tractor-trailer, then "seeing his lifeless body with his head extruded."

Along with claiming various PTSD-related injuries, some of the plaintiffs sought recovery of economic damages related to lost time at work and some of the plaintiffs' wives also made claims for loss of consortium.

According to the memo, Jensen had been hired by defendant Trusted Transportation Solutions, and Jensen was delivering goods for Benjamin Foods, which was also a defendant in the case. The memo noted that Jensen pleaded guilty to homicide by vehicle and reckless endangerment, and contended that the defendants were negligent for using Jensen, as he had prior license suspensions and moving violations.

In their pretrial memos, the defendants contended, among other things, that the car in front of Jensen had stopped abruptly, that none of Jensen's prior violations were relevant to the incident, and he had been fully authorized and qualified to drive the truck. The defendants also contested the extent of the alleged damages.