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Trial



Protecting
Those
Who
Serve

Although the court found that the defendant's negligence was the proximate cause of the plaintiff's injuries, the court awarded the plaintiff only nominal damages. The court found that the defendant's negligence was not the proximate cause of the plaintiff's injuries.

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AUTOMOBILE ACCIDENTS

Driver Buried Alive Under Sand After Being Struck by Tractor Trailer

LAURA MIERA, 48, dropped her daughter off at school and then drove out of the school's parking lot. While Miera was stopped at a red light, Truman Bahe, who was driving a tractor trailer for Albuquerque Redi-Mix, Inc., and Quintana Enterprises, Inc., struck Miera's car. The tractor trailer rolled over, pinning Miera in her vehicle while 25 tons of sand poured out of the truck. Despite rescue efforts, Miera suffered compression asphyxiation at the scene. She is survived by her husband, minor child, and two adult children.

Miera's husband and mother, on behalf of her estate, and Miera's husband, individually and on behalf of the couple's minor daughter, sued Bahe for his negligent driving. The suit against Redi-Mix, Quintana Enterprises, and its owners alleged negligent hiring, retention, and

supervision, negligent entrustment, violation of federal regulations and New Mexico statutory law, and vicarious liability.

Among other things, suit charged that Bahe had a history of driving under the influence and that the tractor trailer, which was negligently maintained, had three sets of brakes that were out of adjustment at the time of the accident. The plaintiffs did not claim lost income.

The court awarded \$79.74 million, including \$60 million in punitive damages against Redi-Mix, Quintana Enterprises, and its owners.

CITATION: *Wilder v. Albuquerque Redi-Mix, Inc.*, No. D-202-CV-2003-04411 (N.M., Bernalillo Co. Dist. Dec. 9, 2013).

PLAINTIFF COUNSEL: AAJ member Jacob G. Vigil, Albuquerque.

Bicyclist Falls on Paved Road

When a bicyclist falls on a paved road, the plaintiff may be able to recover damages for personal injury, property damage, and pain and suffering. The court found that the defendant's negligence was the proximate cause of the plaintiff's injuries.

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