

[And The Defense Wins](#)

Keep The Defense Wins Coming!



Anthony Pernice and John Walters

On Halloween night 2013, plaintiffs' decedent Destinee Barr and two friends were traveling from their home in Shepherdsville, Kentucky, to the University of Kentucky. They reached the intersection of KY-341 and Leestown Pike at approximately midnight. At the same time, defendant Shane Trent was driving home from his second job as security at Austin City Saloon. It had been raining heavily earlier in the evening, and accounts differed regarding how heavily it was raining at the time of the collision. Mr. Trent maintained that the rain had let up in the minutes preceding the collision. Regardless, as Mr. Trent approached the intersection he observed Ms. Barr's vehicle coming to a stop at the flashing red traffic light that controlled vehicles on KY-341. Mr. Trent was outbound on Leestown Pike and had a flashing yellow caution light at the same intersection. Mr. Trent testified that he covered his brake as he approached, but when he observed Ms. Barr come to a stop at the traffic signal, he proceeded through the intersection. When Mr. Trent's vehicle reached the intersection, Ms. Barr pulled directly into his path. Ms. Barr and one of the other occupants of the vehicle were killed on impact.

Ms. Barr's estate brought claims of negligence against Mr. Trent and his employer, Woodford Excavation and Transport, which owned the truck he was driving at the time of the collision. All claims against Woodford Excavation were dismissed on summary judgment prior to trial. The plaintiffs alleged that Mr. Trent was traveling too fast for the road conditions and they hired accident reconstructionist Henry "Sonny" Cease, who testified that Mr. Trent was traveling at least 60 mph in the 55 mph zone where the accident occurred. Mr. Cease also opined that regardless of his speed, Mr. Trent failed to keep a proper lookout given the rainy conditions. The defense countered that Mr. Cease was not at the accident scene until seven months after the accident, failed to weigh the vehicles involved in the accident despite them being available, and estimated the angle of impact based on visual observation: thus, he did not do sufficient work to be able to state Mr. Trent's speed based on a mathematical calculation. Mr. Trent was called to testify during the plaintiffs' case. Plaintiffs also called the supervisor of the Versailles Police accident reconstruction unit, Sgt. Daniel Clark, to try to state that the investigating officers failed to perform speed calculations. Under questioning from the defense, Sgt. Clark testified that speed calculations were not performed because none of the four accident reconstructionists on the scene the night of the accident believed that speed was a factor. The defense did not call any witnesses, instead relying on the testimony brought about during cross-examination during the plaintiffs' case.

If successful, the plaintiffs sought \$3,429,376 in lost earnings capacity as testified to by vocational economist Dr. William Baldwin. They also sought \$10,144.50 in funeral expenses. After approximately one hour of deliberations, the jury returned a defense verdict on liability. The defense was represented by DRI members [Anthony Pernice](#) and [John Walters](#) of [Walters Meadows Richardson PLLC](#) in Lexington, Kentucky.