

## TEXAS

### EL PASO COUNTY

#### MOTOR VEHICLE

Tractor-Trailer — Wrongful Death

### Driver killed in highway rear-ender with tractor-trailer

**MEDIATED**

**SETTLEMENT** \$3,500,000

**CASE** Amanda Lawson, individually and as representative of the Estate of Teresa Fenton, deceased and Ashley Hague v. Robert Ailes, No. 2011-383

**COURT** El Paso County Court at Law No. 5, TX

**JUDGE** Carlos Villa

**NEUTRAL(S)** Louis Selig

**DATE** 11/10/2011

**PLAINTIFF**

**ATTORNEY(S)** James B. Lewis (lead), Lewis & Hilderbrand, Houston, TX  
Robert W. Hildebrand, Lewis & Hildebrand, Houston, TX  
Joseph Spencer, El Paso, TX

**DEFENSE**

**ATTORNEY(S)** John Anderson, Rincon Law Group, El Paso, TX  
Sergio Chavez, Rincon Law Group, El Paso, TX  
Carlos Rincon, Rincon Law Group, El Paso, TX

**FACTS & ALLEGATIONS** On Oct. 11, 2010, plaintiffs' decedent Teresa Fenton, a 44-year-old retail clerk, was driving her car on Interstate 80 near Des Moines, Iowa, when she was rear-ended by a tractor-trailer driven by Robert Ailes. Fenton's car caught fire and Fenton sustained fatal injuries.

Fenton's daughters, individually and on behalf of her estate, sued Ailes, claiming Fenton was stopped in traffic when Ailes failed to keep a proper lookout or control his speed and collided with the rear of her car.

Ailes denied negligence.

The plaintiffs sued Ailes in El Paso County Court, arguing Ailes was an El Paso resident and the venue was proper. Defense counsel maintained that Ailes was a resident of Mexico and Iowa was the proper venue, as the accident took place there and the plaintiffs were Iowa residents.

**INJURIES/DAMAGES** *death*

Fenton sustained fatal blunt force trauma injuries and was declared dead on the scene.

**RESULT** The parties were ordered into mediation and settled for \$3,500,000.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Defense counsel was given the opportunity to comment and declined.

—Rick Archer