

The Legal Intelligencer

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By Asher Hawkins

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Trucking Accident, \$1.2 Mil.

In mid-December, a Chester County jury awarded roughly \$1.2 million to a trucking accident victim who had exhibited substantial neurological and psychiatric problems well before the May 2002 accident.

Douglas Derr claimed that while standing in his Coatesville driveway one day that spring, a tractor-trailer owned by defendant Kemcorp Inc. and driven by defendant Ruthanne Pitts struck the overhead branches of a tree, according to court papers. Derr said that one branch fell, striking his head and causing several fractures, and allegedly leading to headaches and cognitive deficits.

A police investigation determined that the truck Pitts was piloting went off the roadway prior to striking the tree branches, Derr stated in his complaint.

Derr's attorney, [Andrew Youman](#) of Kline & Specter in Philadelphia, said that before the accident, his client had suffered a neurological condition affecting his limbs and requiring the use of a cane.

In addition, according to court papers filed by the defense in Derr v. Pitts, Derr, who suffered depression throughout his adult life, had been treated with the antipsychotic medication Zyprexa as recently as three months before the accident.

A neuropsychological report by a defense expert suggested that Derr was blaming the accident for pre-existing problems.

Defense attorney Thomas Wagner, a Philadelphia solo practitioner, did not immediately respond to a call seeking comment.

Youman said the trial lasted six days before Chester County Common Pleas Judge Jacqueline C. Cody. The 12-member jury deliberated for nearly four hours before returning with its unanimous verdict, according to Youman.