

# State Farm pays \$500,000

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ASHVILLE — On December 23, 1996 an accident involving Willie Mae Franklin and Joseph White occurred on County Road 23 in Ashville.

That accident set in to motion a legal battle that ended June 30, in Circuit Judge Robert Austin's courtroom at the Courthouse in Ashville.

At the time of the accident, White had no insurance coverage and Franklin had liability and uninsured motorist coverage through State Farm.

State Farm Insurance was unclear as to who was at fault, and did not repair White's vehicle.

White, feeling he was not at fault, filed a lawsuit against Franklin for damages and medical bills resulting from injuries obtained in the wreck.

In response, State Farm Insurance Company hired Attorney Dewight Blair to represent Franklin in the lawsuit.

Franklin, who felt State Farm should have compensated her under her uninsured motorist policy, hired Attorney William Traylor III, of Birmingham. She then filed a lawsuit against State Farm Auto Insurance Company and Joseph White.

Franklin and White were the only witnesses to the wreck, and both sustained injuries.

White, 21, suffered fractured and bruised ribs,

bruised diaphragm, broken nose and lacerated septum. Franklin, 64, suffered a broken hip and fractured ankles. As a result of her injuries, Franklin had four surgeries that included a hip replacement. According to her attorney, her medical bills were in excess of \$100,000.

After Franklin's lawsuit was filed, Austin dismissed White's claim for not complying with a pre-trial order.

In the trial a State Trooper testified in his opinion White crossed over into Franklin's lane, thus causing the accident. The jury also heard testimony concerning Franklin's medical bills and surgeries. State Farm Attorney Tracy Hindrix explained policy limits and language to the jury.

The trial lasted about two days and the jury deliberated for an hour-and-a-half.

The jury found in favor of Franklin against both White and State Farm and awarded her \$500,000 in damages.

Traylor said, "I think the jury reached a fair verdict based on the evidence. Mrs. Franklin and I are very pleased."

State Farm Auto Claim Manager Miles Ward said this case was one of disputed liability. The jury, he said, determined for State Farm that Franklin was not liable. In light of the jury's decision, Ward said State Farm will be glad to pay Franklin the amount available to her under her policy limits.

"This matter was a dis-

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puted case of liability. For Mrs. Franklin to be able to collect any money under her uninsured motorist policy, she had to be proved negligent free," Miles said.

He added that, "\$40,000 will be paid to Franklin by State Farm. That is her policy limit under her uninsured motorist plan."

If indeed that is all that State Farm is required to pay, then White will be responsible for the remaining \$460,000. As of press time it was not known whether he planned to appeal. White also had no council present at the trial.

Ward said, "It's unfortunate that we had a dispute into the facts of this case." Franklin's attorney said that his client wished State Farm would have honored their contract with her before it had to go to court.

This is not the first time State Farm has been accused of failing to honor their end of a contract.

In the past several years, a class-action lawsuit was filed against the insurance company for using inadequate or substandard parts to repair wrecked or damaged vehicles.

As of press time, Franklin and White were unable to be reached for comment.

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