

To: Insurance Rate Review Ad Hoc Committee
From: Rick Todd, President & CEO, South Carolina Trucking Association
Re: "Trucking"
Date: August 18, 2025

On behalf of the 24,000 individual and distinct commercial motor vehicle (CMV) registrants who call South Carolina home, we thank you for serving and dedicating time and attention by participating in this increasingly urgent and controversial inquiry.

There are many stakeholders, and every citizen is affected by the present situation, some more directly than others. We are particularly enthusiastic and encouraged by the composition of this committee.

As this review progresses, we welcome the opportunity to address the concerns facing the transportation supply chain.

Truck drivers represent every other link in our economic supply chain, and they provide essential services, conducted in one of the most dangerous, dynamic, and unpredictable environments in the commercial realm.

Commerce requires trade-offs, and the tort liability system was set up to adjudicate the inevitable injuries that occur. Insurance provides protection for those who are willing to take on risk while engaging in the earnest effort required to provide the goods and services demanded.

Trucking operation insurance coverage is mandated and subject to targeting - one only needs to pay attention to the public airspace to witness it. These conditions make it ripe for abuse and excessive demands.

Insurance premiums are inextricably tied to "payouts" and that is what drives "rates."

As you explore this, we urge you to dedicate serious and sincere attention to that state of South Carolina's present commercial automobile insurance liability environment, and be willing and open to our input and suggestions.

Thank you again for your attention and service and we look forward working with you towards a better South Carolina.

SOUTH CAROLINA MOVES BY TRUCK

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SUBMISSION TO THE SC HOUSE INSURANCE RATE REVIEW AD HOC COMMITTEE

Re: “Accident” Fraud in South Carolina – A Real-World Example – Very Common, if Not an Epidemic

Submitted by: [Motor Carrier - Confidential]

Facilitated by: South Carolina Trucking Association

Introduction

The following is a real claim file from a motor carrier operating in South Carolina. While not the most egregious case we’ve seen, it encapsulates the everyday frustration, suspicion, and burden motor carriers face due to questionable claims practices. The details below have been lightly edited for clarity, with selected commentary left intact to reflect the common sentiment within the industry. Supporting documents and links are included for verification and illustration.

Case Summary: A Tire Mark Worth a Quarter Million?

Claim Value: \$258,887.03

Property Damage: \$2,880.28

Location: Latta, Dillon County, SC

Date of Alleged Incident: July 17, 2019

Summons & Complaint Filed: July 5, 2022 (12 days before statute of limitations)

Timeline & Facts

1. **July 17, 2019** – SCHP contacted the motor carrier about a potential sideswipe involving their commercial motor vehicle (CMV).
2. **Truck Inspection** – No damage noted beyond a rub mark on the right rear trailer tire. Driver was unaware of any contact.
3. **Construction Zone** – Incident allegedly occurred near a right-lane drop on US 301; driver reported staying in the left lane.
4. **Claimant Vehicle** – No airbag deployment, no tow required. Vehicle was driven from the scene before SCHP arrived.
5. **SCHP Report** – No citation issued, though driver listed as a “contributing factor.”
6. **Claimants** – Three individuals: middle-aged female driver and two young adult female passengers (one, her daughter).
7. **Medical Treatment** – All sought ER care. Passengers visited a chiropractor over 60 days. Driver eventually claimed spinal surgery, trauma, chronic pain, anxiety, and other issues.
8. **Vehicle Owner** – Former local elected official of the municipality. See [Supporting Document 1].
9. **Initial Legal Counsel** – Former local elected official’s namesake and family member represented the passengers. Settled for \$7.5K each, excluding medicals. See [Supporting Document 2].
10. **Claim Dormant** – Closed February 2020 due to lack of claimant follow-up.
11. **Reopened** – February 2022, new legal representation. Driver now claims \$130K+ in medical expenses.
12. **Defense Engaged** – Considerable time and resources invested by the motor carrier and insurer to prepare.
13. **Pre-Mediation Demand:** \$475,000

14. **Mediation Outcome:** Negotiated settlement far below demand, yet still unjustified by physical evidence or facts.

Carrier's Commentary (Condensed & Edited)

This was the classic case of “you’re damned if you do, and damned if you don’t.” Our driver had no indication of a collision, no citation, and barely a scratch on the trailer tire. The claimant vehicle wasn’t even disabled. And yet, three years later, we faced a nearly half-million-dollar demand.

It’s hard not to feel that some claims are deliberately kept quiet—only to be revived later with exaggerated medical treatments and manufactured damages. In this case, the link to a former public official with a prior fraud conviction adds insult to injury.

It is disheartening that despite flimsy evidence and questionable credibility, we still had to negotiate a payout simply to avoid the uncertainty and cost of a jury trial. That this is common practice should disturb every honest business owner—and every legislator.

Concluding Statement

The carrier involved believes this case illustrates:

- **Abuse of the system:** Late filings, inflated medicals, and last-minute demands.
- **Judicial inefficiencies:** Claims that should never reach court are weaponized.
- **Cost burden:** This wasn’t just a nuisance—it cost tens of thousands in time, counsel, and payout.

These incidents add up—and they **drive up the cost of doing business in South Carolina** for every motor carrier, every shipper, and every consumer.

We urge the committee to investigate and address fraud, excessive litigation tactics, and systemic imbalances that put truckers at risk—regardless of fault.

Supporting Documents

1. **News Article: Former [Official] Found Guilty in Insurance Fraud Case**
<https://www.wmbfnews.com/story/12212076/former-latta-mayor-found-guilty-in-insurance-fraud-case/>
2. **Court Records: Dillon County Civil Cases Search**
<https://www.sccourts.org/courts/courthouse-search/dillon/>
3. **Photograph of Vehicle Damage – \$2,880.28 Claim**



Document Name: Left bedside.jpg

True Stories from “The Road”

Hazards of the Asphalt Jungle

Respondent 1

Have you or your company been the victim of an abusive lawsuit?

Yes

If not, what is your biggest fear with running your trucking operation? And has this fear caused you to do anything differently in regard to your business?

Being a victim of this unfair legal system has made us think very hard about shutting down our trucking operations which will have a negative impact on many, especially if other companies like mine do the same.

Please share a specific challenge you’ve faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

Excessive demands which are threats, insurance hikes, nonrenewals, numerous lawsuits which 30 years ago would never have been possible, forced settlements which we disagreed with, no options for better representation, lawsuits which include threats that make us want to discontinue any operations. We feel hopeless about the future of our trucking division and hate it for the companies, small businesses and most importantly the drivers themselves who are pulled into these horrific frivolous lawsuits which in return make them rethink their career choices.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Our costs to operate have gone through the roof, they have more than quadrupled over the past few years. Our insurance limits have been requested to be higher however when the higher the limit the more aggressive the attorneys will be to get the highest payout they can. We have reduced hiring and will be forced to sell some trucks if we do not get some sort of relief. We were once told by an attorney involving a trucking lawsuit that we are simply a victim of our own success and we have insurance for a reason. Therefore I guess what should be a \$5,000 claim is allowed to be a policy limit claim of \$2 million which in return makes me a nonrenewal for the next year and struggle for the following three years to afford insurance. Why? All because I am "successful"? No, that is simply ridiculous... I am a small woman-owned business and I have worked 70+ hours since I was 18 years old to have the assets my company has now and for me to lie awake at night worrying that it could all be gone within an instant because of these excessive outrageous unfair claims makes me sick. The day I have to tell my drivers who are family to me that I can no longer afford to pay them and have to sell their trucks is one of my biggest fears. These guys depend on me to feed their families and having to worry about claims of this nature should not be a top concern of mine. We are dealing with numerous at this moment which I would be glad to speak about. There has to be some sort of limits put on these claims when no injuries occur on scene, seatbelts are not properly worn, minimal damages, etc. There is an answer and it is not a complicated one!

Would you be willing to share your story publicly or with policymakers?

Yes, I am comfortable sharing my experience publicly.

Respondent 2

Have you or your company been the victim of an abusive lawsuit?

Yes

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

Insurance premium hikes, unreasonable demands, collusion between trial attorneys and doctors/therapists, predatory lawsuits. I am the safety director for a medium-sized motor carrier, I have been working in the trucking industry for the past 5 years, I have worked for two different trucking companies, both based in South Carolina. During that time, my job role consists of overseeing motor truck safety, regulatory compliance, risk management, claims administration and insurance procurement. I could tell you countless stories of excessive settlements, several nuclear verdicts, and fraudulent claims. As a trucking company when we are involved in even the smallest traffic accident, regardless of fault, we immediately prepare for potential litigation. The predatory plaintiff's attorneys have tricked the majority of the general public into thinking that it is their right to collect unreasonable settlements from trucking companies, resulting in the trucking industry having to procure huge towers of insurance, and creating an even larger target for the hungry attorneys. Just look at the local news each night, the persistent advertising from personal injury lawyers is staggering; maybe I am in the wrong business.

Truckers have an essential role in the supply chain, it is estimated that we touch 80% of the consumer goods on the shelf. Our insurance premiums continue to rise an average of 12.5% each year, resulting in an increase in operating costs, which results in our freight rates going up and eventually this cost is passed on to the end consumer. The 12.5% yearly increase is an average, at my last place of employment we estimated that our insurance premiums increased 600% over the past 15 years. I am sure that I am not alone in my experience. With the prices of groceries and goods at an all-time high, we cannot afford to allow this to continue. It is time to consider making common sense changes to the Civil litigation process.

The 2025 Justice Act will help to ensure that we will only be held accountable for the damages that we are responsible for, thus creating a fair business atmosphere which will allow us to be more competitive with business based in other states. It is time to end the monetization of mistakes; please consider adding all at-fault entities to the jury form and allow the jury to know if an injured claimant was wearing their seatbelt. Lastly as a lifelong South Carolinian, thank you for your commitment to the citizens of South Carolina and the personal sacrifices that you have made as representatives of our citizens.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Financial strain, mental strain, freight rate increases

If you are an interstate carrier, how does SC stack up against our sister states?

SC is well on its way to becoming a Judicial Hellhole.

Would you be willing to share your story publicly or with policymakers?

Yes, I would be willing to participate in a zoom meeting with my legislator (with the understanding that I can keep my name and company anonymous)

Respondent 3

Have you or your company been the victim of an abusive lawsuit?

Yes

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

We experience demands for illegitimate reasons at least once a year. Because of this our insurance premiums are being affected.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Financial concerns.

Would you be willing to share your story publicly or with policymakers?

No, I prefer not to share my experience beyond this survey.

Respondent 4

Have you or your company been the victim of an abusive lawsuit?

Yes

If not, what is your biggest fear with running your trucking operation? And has this fear caused you to do anything differently in regard to your business?

Accident that results in a lawsuit that takes the company out.

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

Insurance hikes - in a five-year period, our insurance premium has increased 143%. Excessive insurance limit demands - received Tyger River letter for a lawsuit in Allendale County, for a claim that we would have risked going to trial for, had it been in a more conservative venue.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Insurance increases is now playing a role in a current financial strain. We have reduced hiring and are now looking into other insurance companies to get quotes from in the fall, at renewal. The issue with this is - we currently are with the best trucking insurance company in the industry. We have been with them for 21 years. Because they are hands-down THE best. They respond to claims quickly, they are fair on their assessment of property claims, and they settle (over-settle, sometimes) injury claims quickly and fairly. However, now, we will more than likely, have no other choice but to change from a great insurance company to a less-than stellar insurance company, due to the premiums being too high. It's no longer sustainable. How is that helpful to the actual victim/plaintiff in an accident? When companies like ours strive to do things right, and have measures in place to ensure a safe operation for the motoring public, while also having measures in place that would provide financial relief to potential claimants, when a mistake is made on our end, that WE are responsible for - how does it help those potential claimants, when we can no longer have those measures in place - due to having to pay for other at-fault parties' responsibilities?

If you are an interstate carrier, how does SC stack up against our sister states?

Georgia is bad, but Gov. Kemp apparently is trying to change that.

Would you be willing to share your story publicly or with policymakers?

I will share publicly only if absolutely needed. The thought of standing up there makes me super nervous.

Respondent 5

Have you or your company been the victim of an abusive lawsuit?

Yes

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

In 2018 we had a driver involved in an accident in Greenville County. The other vehicle had run out of fuel and stopped in the right travel lane of I-85 N just past an exit with a service station. The other party put the vehicle in park and did not turn any warning hazard light on to alert other vehicles. There are no lights in the area, making it impossible for other vehicles to see the disabled vehicle. Our driver was bobtailing back to the inland port from Anderson and came upon the disabled vehicle. The speed limit changes just before this area and our driver was in the process of slowing. He was doing 2mph over the speed limit when he came upon the disabled vehicle. Our driver tried to swerve and miss the vehicle but made contact with the rear of the vehicle causing significant damage. The other driver was still in the vehicle at the time. The other driver was severely injured and taken to the hospital where he passed away a couple of weeks later. Drug and alcohol testing showed that the other driver was under the influence of both alcohol and cocaine at the time that he decided to park on the interstate. The other party's attorney argued that our driver was outdriving his headlights, not even sure how that's possible. Regardless, our insurance company panicked and settled to the tune of 430k+ even though the other party was clearly the negligent party.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Such settlements cause significant increase in our insurance premiums and create financial strain. These increases reduce the amount of capital that we can invest back into the lives of our 103 employees and their families throughout the state of South Carolina. They also reduce the amount of capital that we can invest in our terminals, equipment, technology and training to make our drivers some of the safest on the road. Those potential lost investments are also a direct loss to the local economies in South Carolina.

If you are an interstate carrier, how does SC stack up against our sister states?

A little friendlier than GA, but we could look to our sister to the North as an example for reform. Tennessee is also a great example to look to for reform.

Would you be willing to share your story publicly or with policymakers?

Yes, I am comfortable sharing my experience publicly.

Respondent 6

Have you or your company been the victim of an abusive lawsuit?

Yes, multiple times. Occurrences appear to be more frequent and egregious.

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

Egregious and predatory lawsuits are currently my biggest fear to our business operations in South Carolina (see #6 below)..

Our most challenging issues deal around excessive demands, settlement of frivolous lawsuits, and forced/coerced settlements at 50 - 100 times actual damages.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

The current legal insurance environment in South Carolina has impacted and altered our decision making across multiple facets, including the ones mentioned.

Would you be open to sharing a copy of a "Tyger River" (insurance policies limits) demand letter you may have received from an injury lawyer after an accident? (be sure to redact/black out identifying information)

Blank

If you are an interstate carrier, how does SC stack up against our sister states?

We are an interstate carrier and view South Carolina as having the most excessive insurance demands and predatory lawsuits, especially in certain counties/jurisdictions. Therefore, we have explored moving business operations to jurisdictions that are more business friendly and less predatory.

Would you be willing to share your story publicly or with policymakers?

Yes, I would be willing to participate in a zoom meeting with my legislator (with the understanding that I can keep my name and company anonymous)

Respondent 7

Have you or your company been the victim of an abusive lawsuit?

Frequently

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

More often than not an "at fault" vehicle incident results in immediate representation and excessive demand letters. It seems that the attorneys soliciting this business have well-rehearsed SOP's to drive medical bills up and demand letters into the millions of dollars when the plaintiffs almost never seek or allow medical attention at the scene. There needs to be tort reform to put more burden regarding proof of injury on both the plaintiff and their attorneys

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

As an owner of a Member Owned Group Captive insurance company we are on the hook for the initial losses before the claim goes to the reinsurer. Insurance company's need to be prepared to fight these fraudulent claims but the consensus seems to be to settle and avoid a possible trial.

If you are an interstate carrier, how does SC stack up against our sister states?

Better than most and the fact that SC Highway Patrol issues and FR-10 on site is a major advantage that we don't see in GA, NC, FI, TN.

Would you be willing to share your story publicly or with policymakers?

Yes, I would be willing to participate in a zoom meeting with my legislator (with the understanding that I can keep my name and company anonymous)

Respondent 8

Have you or your company been the victim of an abusive lawsuit?

Abusive, probably not, but excessive settlements for the claim severity, yes. Two examples are: Our driver making a legal u-turn on a divided highway median crossover, when a truck approaching behind him, failed to reduce speed, veered to his right and sideswiped a car, forcing it into a curb and shoulder. Our driver was cited and both trucking companies were sued. We never hit anything, but it cost us and our insurer over \$446K to resolve due to alleged injuries, pain and suffering. We have a current suit involving a drunk driver rear-ending our stopped trailer at a stop sign in 2017. The adverse driver was so drunk that he defecated on himself. He filed suit for his injuries, trying to claim that our lights were not on and even pulled out a witness that was not there to testify the same in her deposition. This pending suit has already cost us over \$35K in defense costs just in preparatory defense.

If not, what is your biggest fear with running your trucking operation? And has this fear caused you to do anything differently in regard to your business?

Our biggest fear is the catastrophic accident involving major injuries or fatalities that results in a nuclear verdict that paralyzes the company financially in litigation. We have high qualification standards for drivers.

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

Balancing risk versus capacity demands. Ongoing challenge of obtaining rates that justify the risk in a very competitive freight market. Raising our SIR amount to get a more competitive premium, so accepting more financial risk to manage costs.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Claims costs come right off the bottom line. We are still focused on growth, but the qualified driver base keeps getting smaller.

If you are an interstate carrier, how does SC stack up against our sister states?

SC is one of our heaviest traveled states, but 35% of our Excess liability claims. Highest state for claim costs and frequency of suits filed.

Would you be willing to share your story publicly or with policymakers? If you are willing to be contacted, please provide your name, email, and/or phone number:

No, I prefer not to share my experience beyond this survey.

Respondent 9

Have you or your company been the victim of an abusive lawsuit?

Yes

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

In Beaufort County, around 2004, one of our trucks was going 10 mph below the speed limit, verified from a following armored truck. A woman turned on a red light in front of our truck. There were five witnesses that testified to this fact. The driver who ran the red light was impacted on the right side of her car where a child was sitting. In the deposition the driver who ran the red light admitted to not wearing glasses which were required per her license. The plaintiff's attorney moved the trial to Allendale County. In mediation the attorney said something to the effect of I don't care how many witnesses you have, or how much video you have, I will get whatever I want in Allendale County.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

The insurance carrier at the time stated they would never take a case to trial in Allendale County. That leaves us knowing we will never have a fair chance to prove our innocence and knowing the county we support does not support us back. Moreover, it proves the strategy of plaintiff's attorneys is to exploit while masquerading as benefactors.

Would you be willing to share your story publicly or with policymakers?

Yes.

Respondent 10

Have you or your company been the victim of an abusive lawsuit?

Yes

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

The incident occurred in Richland County but was transferred to Allendale County around 2010. A truck of ours was making a right turn onto a four-lane road. A car behind the vehicle decided to pass our truck in the grass on the right-hand side as it was turning right. Our trailer busted out the back glass of his Lincoln SUV. There were no injuries. The vehicle was not registered, the driver had no license, and the car was not insured. The passenger filed suit against us and won once it was moved back to Allendale County.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

Rising insurance rates and a tort/legal system that is overtly unjust forced us to sell our trucking business.

Would you be willing to share your story publicly or with policymakers?

Yes

Respondent 11

Have you or your company been the victim of an abusive lawsuit?

If not, what is your biggest fear with running your trucking operation? And has this fear caused you to do anything differently in regard to your business?

In an unfair legal system when it comes to trucking, my biggest concern would be the ridiculous lawsuits where no matter if the other individual is at fault the trucking company is the one that's going to get sued.

Please share a specific challenge you've faced due to legal system abuse (e.g., excessive insurance limit demands, insurance hikes, predatory lawsuits, or forced/coerced settlements):

With these idiotic lawsuits insurance costs have skyrocketed. Even on a private level insurance is higher than ever and continues to show no sign of going down.

How has this impacted your business and employees (e.g., financial strain, tough decisions, reduced hiring, or cutting back on growth)?

I know of numerous loggers in my area, many who have been in the business for years, that have shut down completely due to unfair hikes in insurance causing financial strain and much uncertainty for the future.

If you are an interstate carrier, how does SC stack up against our sister states?

Georgia is very similar but I do believe they are being more proactive.

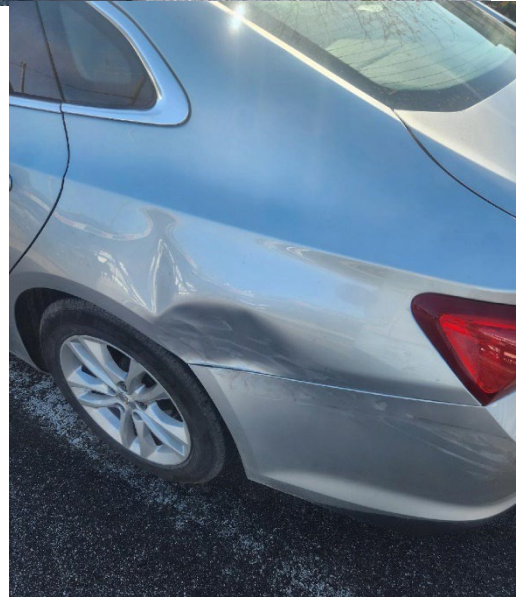
Additional Story 1:

Just yesterday, we and our insurance carrier negotiated and finally settled a fender-bender with a SC billboard law firm that occurred in Summerville in December 2023. No towaway, no fire/medic response, only police -- we were making a slow speed lane change when we made contact with a 2018 Chevy Impala that had definitely been neglected and seen better days. Our driver wasn't cited. We paid \$1782.06 for damage to the car. First thing the son and father (driver and passenger) did was drive said vehicle straight to the ER (both were released soon afterward) once SCHP was finished investigating...and later to the attorney's office. When it's all said and done, it'll be just shy of a \$90k claim (\$40k each - high bid started at \$80k each). The claimants had played this game before. I attached a photo so you can see what we paid for...and then some.



Additional Story 2:

We negotiated with a small-town SC law firm on this June 2024 fender-bender (another slow speed lane change) that occurred in Florence involving a 1994 Toyota Camry. No towaway, no fire/medic response, only police. We paid \$2384.32 for damage to the car — it was deemed a total loss (that was driven away from the scene) and straight to the ER; male driver and female passenger were seen and released. Both claimed soft tissue injuries, trips to the chiropractor, so forth and so on — of course, they didn't follow through to completion with "necessary medical treatment." Luckily, we settled this claim within six months, closed it out in November to the tune of \$20k each. Sad to say this one could be considered a "WIN", if you call paying quasi-extortion fees as such.



System Incentivizes Targeting Trucking, Impacts Insurance by the Monetization of Mistakes

“Nuclear” Verdicts Explode Creating a “Crisis of Inflated Settlement Demands”

- **CMV operations are targets for lawsuits**
- **Joint & Several Liability – Judgement-stacking is abusive, threatening, creates unpredictability**
- **Degrees of Negligence can be conflated into “Reckless,” even “Intentional” – judges struggle with explaining, juries can’t distinguish**
- **Risk, vulnerability, and abuse are exponentially worsened in “Hellhole” Venues**
- **Exacerbated with politically-connected plaintiff lawyers involved**
- **Commercial Auto Insurance market is bleeding, trending worse, Excess Coverage is escalating, costs more for less offered, fleets are reducing rather than serving up a bigger target**
- **Obvious trends, data difficult to obtain, but this is common knowledge**

[Real-world operating conditions with complex and overly comprehensive regulatory requirements make running a “perfect” operation an unreasonable expectation, virtually impossible. In this context, fleets and drivers are unfairly exposed to lawsuit abuse and coercion. “Situations” – citing cases of abuse – must be carefully narrated to protect parties. However, this stifles transparency and the ability to cast light into this system. Defendants quite naturally don’t want negative publicity, even if a settlement is not sealed. The public is oblivious to the true conditions present in the supply chain. Defense attorneys don’t like to talk about losing cases or how the pressure to settle really works. They don’t want to offend judges or openly criticize their peers. It is extremely difficult to get significant and useful data from parties, insurance carriers, certainly thousands of small fleets, many of which have disappeared due to conditions beyond their control.]

A fraction of examples from recent cases:

2023 – Fatality: Aged politically connected deceased car driver runs into rear tandem of turning T-T; never applied brakes; cited posthumously with driving too fast for conditions/speeding. SC-based fleet; state MAIT team reports fleet as non-contributor, no vehicle defects, CDL driver not cited. Rural “Hellhole.” Two politically-connected plaintiff firms pressure with irrelevant other facts - **\$51M SETTLEMENT**

2023 – Injury: Large national fleet delivery van contractor turns in front of motorcyclist. Injured cyclist has shoulder surgery, claims traumatic brain injury. Plaintiff claims fleet/driver was “Reckless,” when merely negligent (distracted *by what* should not to be used to inflame jury), claim against I-C driver. Fleet accused of having exercised too much “control” & through “reckless” (“unsafe”) expectations of contractor - **\$40+M VERDICT** (\$10+M in Medicals, \$30M in P-D to fleet.)

2024 – Fatality: Toxicology report confirms intoxicated car driver crosses into T-T lane. Toxicologist has since moved out of state. The state’s MAIT team reports no fault of T-T driver, unavoidable. Unrelated eyewitness confirms. Plaintiff’s-hired an accident reconstructionist whose report counters MAIT’s. Plaintiff asserts/threatens during discovery and mediation that defendant’s prior citation for misuse of their “farm tag” was relevant and could assert operation was “reckless” (a violation history, therefore potentially “a reckless operation” forces judge to send charge to jury for consideration). Insurer caves, settled rather than face inflamed jury in notorious Hellhole venue with politically-connected plaintiffs’ attorney - **\$500,000 SETTLEMENT**