

# Victoria Mata, as wrongful death beneficiary and on behalf of the estate of Sean Hanner v. Santex Truck Centers, Ltd., and Brian Everett Herald; 2017 Jury Verdicts LEXIS 138

2014-37366-7

January 30, 2017

**Headline:** Defense Argued Motorcyclist Was Going too Fast in the Fog

**Published Date:** February 13, 2017

**Topic:** Motor Vehicle - Stop Sign - Motor Vehicle - Motorcycle - Motor Vehicle - Tractor-Trailer - Motor Vehicle - Truck - Motor Vehicle - Broadside - Motor Vehicle - Weather Conditions - Wrongful Death

**Injury:** Death

**Practice Area:** Unknown

**State:** Texas

**Court:** Harris County District Court, 129th

## **Plaintiff Counsel**

Brent M. Cordell

Firm Name: Smith & Hassler

Address: Houston, TX

Plaintiff Name: (Estate of Sean Hanner, Skyler Hanner, Victoria Mata)

Brock C. Akers

Firm Name: The Akers Firm

Address: Houston, TX

Plaintiff Name: (Elizabeth King, Jeffrey Hanner)

## **Defendant Counsel**

**Glenn J. Fahl**

Firm Name: Vincent Serafino Geary Waddell & Jenevein

Address: Houston, TX

Defendant Name: (Brian Everett Herald, Coastal Agricultural Supply Inc.)

**Judge:** [Michael Gomez](#)

## **Case Summary**

On Jan. 27, 2014, plaintiffs' decedent Sean Hanner, 21, an assistant manager at a paint store, was riding a motorcycle on Highway 1960 outside of Dayton. It was foggy, and the speed limit was 65 mph. Brian Everett Herald, driving a tractor-trailer in the course and scope of his employment with Coastal Agricultural Supply Inc., pulled out from a stop sign. Hanner struck the trailer somewhere from the middle to two-thirds of the way to the back and was killed on impact.

Hanner was survived by plaintiff Victoria Mata, his girlfriend or common-law wife, who was one-month pregnant; and his parents, plaintiff intervenor Elizabeth King and plaintiff intervenor Jeffrey Hanner.

Mata, for herself and for her and Hanner's baby daughter, Skyler, sued Herald and Coastal for negligent failure to keep a proper lookout, failure to yield the right of way, running a stop sign, driving too fast, failure to control his speed, and failure to brake or turn to avoid the collision. She initially sued another company, Santex Truck Centers Ltd., instead of

Coastal, but corrected the error after initial discovery. Hanner's parents intervened in the suit. The four plaintiffs also alleged gross negligence.

Plaintiffs' counsel argued that Herald said in his deposition that he could see for only 100 feet. Under state Department of Transportation regulations, he therefore should have parked and not moved, plaintiffs' counsel argued. Also, witnesses said that, while driving, they felt that the fog severely limited their ability to see.

According to counsel for Hanner's parents, the defense expert, an accident reconstructionist, testified that Herald's negligence was a proximate cause of the accident.

The defense contended that Hanner alone was negligent, for speeding, going too fast for the foggy conditions and failing to keep a proper lookout. Hanner did not brake or lay down the motorcycle before the impact, the defense noted.

The driver who was behind Hanner testified that she was trying to keep up with him because she was worried that if he fell and she couldn't see him because of the fog, she might run over him. She testified that she was uncomfortable with the speed she needed to keep up with him, and that she was going 50 mph or 55 mph when he pulled away from her and the accident happened.

The defense further argued that witness testimony confirmed that visibility was as great as 420 feet within minutes after the accident. Therefore, it was reasonable for Herald to attempt what would have been a 7.5-second maneuver, the defense argued.

The defense also noted that there were at least two other drivers on the road, who, unlike Hanner, were able to stop in time to avoid hitting the truck.

#### **Injury Text:**

Hanner was killed on impact. The family claimed past and future pecuniary loss, loss of companionship and society and mental anguish. Mata and Skyler also claimed loss of inheritance. The plaintiffs sought a total of \$7 million.

The defense argued that Hanner and Mata were no longer together in early December 2013 and that, therefore, they were not married at the time of his death.

#### **Trial Length**

5.0 days

#### **Jury Deliberation**

1.25 hours

#### **Jury Poll**

12-0

#### **Plaintiff Expert(s)**

[Stanley Parker](#)

Address: Houston, TX

Specialty: Accident Reconstruction

Affiliation: Brent Cordell, Brock Akers

#### **Defendant Expert(s)**

[James R. Lock](#)

Address: College Station, TX  
Specialty: Accident Reconstruction  
Affiliation: Glenn Fahl

**Award:** \$ 0

**Award Details:** The jury found only Hanner negligent.

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