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Defense Win Marks End of the Line for Bus Driver's Car Wreck Suit

The plaintiff said a minor traffic accident led to a cascading series of events that left her hospitalized with kidney failure due to an infections that traveled from her left wrist to her right knee.

By Greg Land | March 29, 2018



Dan Prout, of Waldon, Adelman, Castilla, Hiestand & Prout, Marietta (Photo: Rebecca Breyer/ALM)

A Cobb County jury was not on board with a bus driver who claimed a minor accident with an SUV caused a cascading series of ailments beginning with a sore wrist and ending with an infected knee that landed her in the hospital.

After a three-day trial, the jury returned a defense verdict

<https://images.law.com/contrib/content/uploads/documents/404/10522/Peeples-v.-Anderson-verdict.pdf>.

"I've never seen a case like this," said Daniel Prout, the lead counsel for the defendant, who was driving the SUV. "She claimed she developed carpal tunnel syndrome in her left wrist because of the accident. Then she had carpal release surgery and claimed

that, as a result of the surgery, she developed an infection in her wrist that traveled to her right knee.”

That knee was a prosthetic, and the plaintiff underwent two surgeries to remove and replace it, he said.

Prout said his client admitted being at fault for the accident. The jury question was whether the accident caused all of the plaintiff's injuries, said Prout, who tried the case with Waldon Adelman Castilla Hiestand & Prout (<http://www.wachp.com/>) associate Travis Meyer.

The plaintiff, Vanessa Jordan-Peebles, hasn't worked as a bus driver since the accident and claimed more than \$320,000 in medical expenses and more than \$500,000 in lost wages, Prout said.

Jordan-Peebles' attorney, Shoran Williams of Atlanta's Reid Williams (<https://reidwilliamslaw.com/>), said she was “torn” on the issue of whether to appeal.

But she decried what she termed “the grave injustice that was served upon my client.”

“I don't agree with the verdict,” Williams said. “I do believe reasonable minds could disagree with the causation issues.”

According to the lawyers and court filings, (<https://images.law.com/contrib/content/uploads/documents/404/10522/Peebles-v.-Anderson-CPTO.pdf>) Jordan-Peebles was driving a Cobb County Transit bus in 2012 in Marietta when an SUV driven by Sherrie Anderson sideswiped the bus as Anderson made a turn.

Anderson's bumper was torn loose, and she was cited for an improper lane change; the bus suffered little damage and was driven away by another driver, Prout said.

Jordan-Peebles did not complain of any injury at the scene, but when she was back at the station filling out a report, her hand began to swell, Williams said.

“She went through six months of conservative treatment with several different doctors,” Williams said. Her client was ultimately diagnosed with carpal tunnel syndrome.

Surgery relieved her pain for a while, but she began to experience pain both in her left wrist and right knee, which had been replaced with a prosthesis the year before.

Jordan-Peebles underwent an antibiotic treatment regimen, but several months later she was determined to have an infection of the prosthesis, which was removed and replaced with an antibiotic device.

Afterward, she experienced complications and was hospitalized, suffering renal failure.

Once she was stabilized, she underwent another surgery to replace the prosthetic knee.

In 2014, Jordan-Peebles filed a personal injury suit (<https://images.law.com/contrib/content/uploads/documents/404/10522/Peebles-v.-Anderson-complaint.pdf>) against Anderson in Cobb County State Court.

During a trial that began March 12 before Judge David Darden, the lawyers said the only experts were Jordan-Peebles' treating doctors. They "offered conflicting testimony whether she had an infection," Williams said.

"The hand orthopedic surgeon testified that there was no infection in her left wrist," said Prout. "So we argued there was no infection to travel to her knee—that breaks the chain of causation."

In closing, Prout said Williams asked for \$5 million in damages.

"We asked for a straight defense verdict," he said.

On March 14, Prout said the jury took about three hours to deliver just that.

He said Williams "did a fine job representing her client. But the facts, the medical evidence was just not in her favor."