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\$12.9M Verdict Awarded to Man Run Down by Union Vehicle

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By Zack Needles | January 30, 2019

A Philadelphia jury has awarded \$12.9 million to a man struck by a trade union vehicle being operated by an intoxicated, non-union employee.

After a weeklong trial in Philadelphia Court of Common Pleas Judge Rosalyn Robinson's courtroom and three hours of deliberation, the jury returned a verdict in favor of Keith Spencer.



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According to the plaintiff's pretrial memorandum, Spencer was crushed while crossing the street by a 2009 Ford Escape owned by the Philadelphia Joint Board Workers United and driven by Cleveland Johnson, husband of union worker Tina Gainer Johnson, to whom the vehicle was provided.

Spencer sustained serious injuries to his head, which have left him with physical and cognitive impairments requiring constant nursing care, according to the plaintiff's court papers.

Spencer is represented by Ramon Arreola and Brett Furber of Messa & Associates.

Arreola said the matter was "a very unique case. We had to deal with the fact that an intoxicated person driving the vehicle that was not a union employee. We had to craft the case in a certain way to bring out the responsibility of the union."

Furber added, "The jury saw the evidence of the case and really what the case was about was the incompetence of this union which had a total lack of oversight and supervision when it came to handing out company cars."

Gainer Johnson claimed in her pretrial memorandum that she was not to blame for the accident.

"Defendant Tina Gainer Johnson was not driving the subject vehicle that struck plaintiff at the time the incident occurred," her court papers said. "She also did not know Cleveland Johnson was driving the subject vehicle nor did she give him permission to drive it any time material or relevant hereto. As such, defendant Tina Gainer Johnson did not owe any duty to plaintiff."

Johnson's attorney, David White of Marshall Dennehey Warner Coleman & Goggin, did not respond to a request for comment.

According to the Philadelphia Joint Board's defense papers, the union said it was not negligent in its vehicle policies.

"Plaintiff has alleged theories of negligent hiring and negligent supervision against PJB," the union's court papers said. "The theories have no legs to run. By all accounts Gainer was a good member, did good work and PJB never had any reason to suspect that she had ever violated PJB's policy regarding use of the car, including on the day of plaintiff's accident."

Mary Ellen Conroy of Cipriani & Werner, who represented the union, did not respond to a request for comment.

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