

# NORTH CAROLINA Lawyers Weekly

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## Plaintiff settles for \$1.7M in bus stop injury

■ Heath Hamacher



Isaac Thorp

FIVE YEARS AFTER THE INCIDENT, the family of a then-8-year-old boy who suffered a traumatic brain injury (TBI) and a broken leg when he was struck by a car while crossing the

road after getting off his school bus has settled its claims for \$1.7 million.

According to plaintiffs' attorneys Isaac Thorp of Thorp Law in Raleigh and Wade Harrison of Harrison Whitaker in Burlington, the Alamance County bus driver failed to activate the flashing lights, engage the stop sign, or look for oncoming cars before signaling to Anthony Joe "AJ" Harper that it was safe to cross the road. AJ started to run toward his aunt when he saw her waiting for him, and the elderly driver who struck AJ never saw him until it was too late.

"AJ was excited to celebrate an early release day because his great-aunt, who was parked across Highway 62, was going to take him to his favorite pizza restaurant when he got off the bus," Thorp said.

The attorneys said that some defendants contended that the child was contributorily negligent but that

students are taught to follow the bus driver's hand signals once they get off the bus. Here, they said, the driver signaled to AJ to cross.

Thorp said that the incident was clearly recorded by the dash camera of a vehicle stopped behind the school bus.

"It was very helpful for us to be able to show the defense attorneys that this is what [AJ's aunt] witnessed as it was happening," Thorp said.

There were challenges in proving that the TBI caused permanent problems, Thorp said. By the fifth grade, AJ was getting good grades and evaluations.

"To figure out whether AJ's grades were inflated, our expert administered a battery of standardized tests, which showed that for the most part, AJ was performing at second and third-grade levels," Thorp said. "And while AJ's behavior at school had improved, he still couldn't sleep alone, suffered severe separation anxiety, and was diagnosed with PTSD."

The attorneys said that after the case settled, they helped AJ's family establish a special needs trust and an annuity that will make monthly payments for the rest of AJ's life.

"We wanted to make sure a little boy with a traumatic brain injury will

### SETTLEMENT REPORT- MOTOR VEHICLE/PEDESTRIAN

**AMOUNT:** \$1.7 million

**INJURIES ALLEGED:** Traumatic brain injury, broken leg

**CASE NAME:** Harper v. Alamance County Board of Education et al.

**COURTS:** Alamance Superior Court, North Carolina Industrial Commission

**CASE NO.:** 20-CVS-00088

**JUDGES:** Kevin Bridges and Bryan Collins approved settlements

Date of settlement: Jan. 26

#### **MOST HELPFUL EXPERTS:**

Dr. Rebecca Smith (pediatric intensive care), Alanna Conder (neuropsychologist), Tina Lepage (psychologist), and Ann Neulicht (vocational counselor and life care planner)

#### **ATTORNEYS FOR PLAINTIFF:**

Isaac Thorp of Thorp Law in Raleigh and Wade Harrison of Harrison Whitaker in Burlington

#### **ATTORNEYS FOR DEFENDANT:**

Dena Waters of Cary for the elderly driver, Matt Little and Megan Cook of Teague Campbell of Raleigh for the bus driver, and Special Deputy Attorney General Carl Newman for the Alamance-Burlington Board of Education

have a better chance for a happy and successful life, and his family can be sure they have done all they can to take care of him even after they are gone," Harrison said.