Jury Rejects $1.1M ask in Reptile Trucking Case

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Boyle | Shaughnessy Law attorneys, Thomas Fay and Ashley Berger received a defense verdict in a trucking case where the admitted Reptile plaintiff's counsel asked for $1.1M from the jury during his closing argument. The plaintiff claimed he suffered from post-traumatic stress disorder and a lower back injury. The case was tried in Suffolk Superior Court in Boston, Massachusetts. The jury deliberated for 12 hours in the nine-day trial before finding no negligence.

The plaintiff alleged that two Indiana based truck drivers, both defendants, negligently operated their oversize load, two modular classrooms, snagging a low-hanging cable wire. The drivers were part of a six-vehicle convoy at the time. As a result, the plaintiff alleged he became entangled in the wire after it fell to the ground, and was dragged between 15 and 40 feet. The plaintiff also initially filed suit against the company that allegedly owned the utility pole, the company that owned the wire, the company responsible for providing a route survey to the defendant trucking company, and the companies that provided escort services. Before trial, the plaintiff settled with all other defendants.

During a pre-trial hearing regarding a Reptile motion in limine filed by defense counsel, plaintiff's counsel declared to the court that he was the "Reptile." The "Reptile" strategy is utilized by some plaintiff's attorneys to present, not the merits of the case to the jury, but rather to play to a juror's sense of safety and fear. This tactic attempts to appeal to the primitive subconscious "fight-or-flight" component in each juror, instead of to the true cognitive abilities of a juror to make an informed decision based on the presented evidence. The trial judge was responsive to the defendants' request and advised plaintiff's counsel that he would not tolerate any "reptile"-like arguments. Despite this, the plaintiff's attorneys continuously used this technique during the course of the trial and the judge repeatedly had to instruct plaintiff's counsel not to do so. The trial judge emphasized the requirement of plaintiff's counsel to focus on the merits of his client's case.

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