



FOR *the* DEFENSE

December 2018

"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

Greetings from Doug Fletcher

Season's Greetings! Well, it is hard to believe that December is already here and that means that the end of the month will bring Christmas and other holiday celebrations. This reminds me of a very interesting story involving our Rapid Response program, and in the spirit of the season I would like to share the story with you.



Several years ago on Christmas Eve my wife and I had just finished assembling all of the kids' required toys and were in bed with visions of sugar plums dancing in our heads. I was awakened by the ringing of our Rapid Response phone. When I answered it was one of our transportation clients who indicated that a tractor trailer rig had been involved in an incident just north of Dallas and requested that we activate the Rapid Response team. Being in a benevolent mood I decided not to call an associate but to handle the call myself. I got dressed and drove north on I-75 to a spot about six miles north of McKinney, Texas, where I observed our insured's tractor trailer off the road, but no other signs of any type of accident. When I approached the truck I observed a Texas Department of Public Safety officer in a heated discussion with our truck driver. I introduced myself and the DPS officer advised me that he thought our truck driver was hallucinating, but there were no signs of any intoxication. The truck driver told me that he had been driving north in the outside lane of I-75 when all of a sudden he saw a very bright light in the sky above him and felt a slight bump to the top of his tractor trailer rig, which caused him to swerve to the right and end up off the road. I asked him what he thought it was. He asked me to accompany him around of the side of the truck and told me, "I know you are going to think I am crazy, but I think it was Santa

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Welcome to the latest edition of Fletcher Farley's Newsletter, which we hope you find interesting and helpful.

If you have any comments, questions or would like more information from us, please contact Doug or Joanna.

Contact:

Doug Fletcher
Firm Managing Partner
214-987-9600
doug.fletcher@fletcherfarley.com

Joanna Salinas
Austin Office Managing Partner
512-476-5300
joanna.salinas@fletcherfarley.com

Claus flying low." I laughed and told him that this was a fairly serious matter because a DPS Trooper was involved. He stuck to his story.

By this time our accident reconstruction team had arrived and I jokingly told them what our driver had told me. So, the accident reconstruction expert and I climbed up to get a look at the top of the trailer. We took numerous photographs and observed what appeared to be two parallel gash marks on the front of the trailer. The first marks were approximately half an inch deep and started at the front of the trailer. The marks proceeded down towards the back of the trailer and gradually faded off. We also saw what appeared to be a set of 32 indentions in parallel lines, sixteen on each side of the center line. About 50 yards south of our tractor trailer was a tree by the side of the road which had a number of the top branches broken, some of which had fallen to the ground. My accident reconstruction expert and I looked at each other and shook our heads.

We invited the Trooper to come up to the top of the rig and showed him the same evidence. Like us, he shook his head and climbed down. I then told the Trooper what our driver had told me. He looked sideways at me and said, "flying low? My supervisor is never going to believe this." He then quietly left the scene. I told our truck driver not to repeat what he saw, but to continue on his journey and that I would make the necessary report to the company. He was very concerned about the physical damage to the top of his trailer. I told him that we would try and get that taken care of.

As I drove back to Dallas I began to dictate our Rapid Response investigation report and included copies of the photographs of the top of the trailer. In the report I advised that, in my opinion, some type of contraption was heading in a southbound direction and struck the very top of our tractor trailer, then glanced off and hit the top of a nearby tree. I did not provide my opinion as to the source of the impact.

The day after Christmas I called the driver to inquire as to the physical damage to the top of his truck. He laughed and told me that when he returned home he parked his rig in front of his house, went inside and climbed straight into bed. The next morning, Christmas morning, he awoke and went outside to survey the damage. He climbed upon his truck and was surprised to see the entire top of the trailer had been fixed and painted a bright red. He stated that when he got into the cab he saw individually wrapped presents for each of his children.

I just hung up the phone and thought that this whole situation could not get any stranger. As I was sitting at my desk I looked up and noticed a small letter addressed to me in beautiful hand writing. I opened the letter and read, "Dear Mr. Fletcher: Please tell your client that on the evening of December 24th I was travelling southbound generally along I-75 near McKinney, Texas when I suddenly felt a load shift

Join Our Mailing List!

Austin Office Attorneys Celebrate



Top L-R: David Solomon, Lt Colin Ivey, Robin Miserlian, Sal Salinas, Joanna Salinas, Robyn Wentworth, Brandon Wentworth, Sara Bustilloz, Miguel Bustilloz
Bottom L-R: Maggie Brown, Derreck Brown

The Austin office attorney team made the trek to spread holiday cheer and celebrate with the Dallas office attorney team. The holidays remind us of how great it is to be together!

Cookie Recipe



Ingredients

- * 3 oz cream cheese, completely softened
- * 1/2 cup butter, completely softened
- * 1/2 cup firmly packed brown sugar
- * 1/2 tsp salt
- * 1 tsp vanilla, almond or peppermint flavor
- * 1 2/3 cup flour

Directions:

Combine the first 5 ingredients in a large bowl. Stir by hand until well blended.

Lightly spoon flour into measuring cup, level off. Add to cream cheese mixture, stirring by hand

which caused my vehicle to rapidly lose altitude. I believe I struck your client's tractor-trailer rig and then went through the top of a tree which was located to the south. I apologize for the physical damage to the tractor trailer rig and I have already sent some of my 'workers' to repair the damage. I hope this will be satisfactory."

I looked at this letter in total bewilderment. I placed it in our accident reconstruction file, along with the photographs, where it was eventually sent to filing. Over the years I have tried to find this file but, like most businesses, we have become paperless and I am not even sure the file still exists. By the way, did I mention that the letter was signed: S. Claus and the return address was the North Pole?

Have a very Merry Christmas and a Happy Holiday Season. Please try not to activate the Rapid Response on Christmas Eve but, as you are aware, our firm is always ready to help you with all of your legal issues, both this year and into 2019. As always, we are grateful for the opportunity to work with such fine companies and clients.

Conflicts Resolved

Fletcher Farley Obtains Take-Nothing Summary Judgment on a Products Liability Case

Fletcher Farley attorneys [Paul Bennett](#), [Alex Bell](#), and [David Colley](#) recently obtained a take-nothing summary judgment on a products liability case in Collin County, Texas. The case arose out of an alleged manufacturing defect of a dishwasher that leaked and caused extensive damage to a homeowner's residence. The dishwasher performed perfectly for 9 years, but the homeowner recently had issues with the dishes drying completely. They called a service company, who was a co-defendant in the case before reaching a settlement, to come out on three different occasions to replace parts in the dishwasher until the issue was corrected. The leak only occurred after the third visit. At the pre-trial hearing, the judge found there was no evidence of a defect or any wrongdoing by the manufacturer and dismissed all claims against it. If you or your insureds have claims or cases involving allegedly defective products, Fletcher Farley's team of experienced lawyers stands ready to assist you.

until dough forms a ball. Knead in bowl or on floured surface, 1 to 2 minutes, adding additional flour until smooth, pliable and not sticky. (Dough is easier to shape the more it is handled.)

Bake at 350 degrees until edges are light brown, about 10-15 minutes; thick shapes about 15-22 minutes.

Cool 5 minutes; remove from cookie sheets and decorate!

Senior Source Christmas Party

As you probably know by now, we have adopted the residents of a nursing & rehab facility in Dallas County through the Senior Source for the last couple of years as our annual Christmas charity. We are excited to see them again this year! Santa and his elves are headed there with us next week to provide gifts, breakfast and carols for them. Stay tuned for pictures and stories in next month's newsletter!

Dwanna Gassaway
Fletcher Farley Shipman & Salinas LLP
214-987-9600