

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**KENNY HERRON and MARY LOU
HERRON, as Guardians of the Person and
Estate of Cadence Nevaeh McGuire, a minor;
MARY LOU HERRON, Administratrix of the
Estates of Jessica M. McGuire and Brinley M.
McGuire, a minor, and for their Wrongful
Deaths; and CHARLES JEFF GARDNER,
Administrator of the Estate of Nicholas
McGuire and for his Wrongful Death**

PLAINTIFFS

v.

No. 3:16-cv-127-DPM

**APAC OF TENNESSEE, INC.; SUPERIOR
TRAFFIC CONTROL-MEMPHIS, INC.;
J.E. PHILLIPS & SONS, INC.; BEST TRUCK
& TRAILER, INC.; RICHARD CARL
ADAMS; and WABASH NATIONAL
CORPORATION d/b/a Wabash
National Trailer Centers, Inc.**

DEFENDANTS

JUDGMENT

1. Each plaintiff in this case sued each defendant. Each defendant cross-claimed against each co-defendant and counterclaimed (and cross-claimed) against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire. Based on the Court's pretrial rulings, and settlements among various parties, the only claims that went to trial were those between plaintiffs and Richard Carl Adams and J.E. Phillips & Sons, Inc. Those claims were tried to a twelve-person jury in

Jonesboro, Arkansas from 3 June 2019 to 11 June 2019. On June 11th, the jury returned a verdict finding that Nicholas McGuire was 100% at fault for the underlying accident and that no other party was at fault. The Court incorporates the jury's verdict, *No* 366.

2. Based on the parties' stipulations, the Court's Orders, and the jury's verdict, the Court enters this Judgment:

- Each plaintiff's claims against APAC of Tennessee, Inc., Superior Traffic Control-Memphis, Inc., J.E Phillips & Sons, Inc., Best Truck & Trailer, Inc., Richard Carl Adams, and Wabash National Corporation are dismissed with prejudice. *No* 370, 366, 342 & 272.
- APAC's counterclaim and cross-claim against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire, and its cross-claims against Superior, Phillips, Adams, Best, and Wabash are dismissed without prejudice. *No* 279.
- Superior's counterclaim and cross-claim against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire, and its cross-claims against APAC, Phillips, Adams, Best, and Wabash are dismissed without prejudice. *No* 279.
- Phillips and Adams's counterclaims and cross-claims against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire, are dismissed with prejudice. *No* 370. Phillips and Adams's cross-claims against Wabash and Best are dismissed with prejudice. *No* 370. Phillips and Adams retain the right, however, to reassert these counterclaims and cross-claims if there is an appeal,

reversal of judgment, and remand. *No* 370. Phillips and Adams's cross-claims against APAC and Superior are dismissed without prejudice. *No* 279.

- Best's counterclaim and cross-claim against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire, and cross-claims against Phillips and Adams are dismissed with prejudice. *No* 342. Best's cross-claims against APAC and Superior are dismissed without prejudice. *No* 279.
- Wabash's counterclaim and cross-claim against Charles Jeff Gardner, administrator of the estate of Nicholas McGuire, and cross-claims against Phillips and Adams are dismissed with prejudice. *No* 342. Wabash's cross-claims against APAC and Superior are dismissed without prejudice. *No* 279.

The Court retains jurisdiction to enforce the parties' various stipulations and settlement agreements until 30 August 2019.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

1 July 2019