

NEWS RELEASE

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Judge Approves Jury Award of \$24.7 million to Family of DWI Accident

Houston – A Houston judge Tuesday approved a \$24.7 million jury award to the family of a woman burned to death in a car accident with a DWI offender. A Harris County jury found the offender's insurance company negligent in arranging for him to drive a rental car.

Progressive County Mutual Insurance Co. arranged in November 2000 for policyholder Jeffrey Lamont Tate to get a rental car from Enterprise Leasing Co. despite the fact that Tate has been cited for DWI in October 2000 and had his driver's license suspended for one year. However, on Nov. 28, 2000, employees with Progressive and Enterprise arranged for Tate to get a vehicle. The next day Tate was intoxicated and in a high-speed crash struck a vehicle driven by Helen Nettles, a 56-year-old Houston woman.

The rear-end accident on Harrisburg Road near downtown caused her 1995 Toyota pickup truck to slam into a light pole and burst into flames. Mrs. Nettles was burned alive at the scene, according to family attorneys Richard Mithoff and Joseph Alexander.

The family – husband Robert Nettles and adult children Steven Nettles and Karen Menard – filed suit three years ago against Tate, Progressive and Enterprise, Mithoff said. A week long jury trial in August 2004 resulted in the verdict of \$24.7 million. State District Judge Randy Wilson signed the order late Monday.

“The jury found the insurance company was accountable for its own negligence in arranging for a rental when it knew its policyholder could not legally drive because of a suspended license,” said Mithoff. “Even though they knew Tate had a prior DWI and suspended license, they made arrangements for a rental car with their in-house agency, Enterprise.”

The jury found that Progressive Insurance responsible for 20 percent of the damages, Enterprise Leasing Co. 20 percent and Tate –insured by Progressive -- was responsible for 60 percent of the \$24.7 million damages.

According to testimony in the trial, an Enterprise rental agent shared office space with Progressive. They had a business relationship to service Progressive clients who needed a

rental vehicle in a one-stop shop with Enterprise. However, that on-site relationship at that location no longer exists, according to the lawsuit.

Prior to trial, the family settled out of court with Toyota and Enterprise Rental for an undisclosed sum, Mithoff said.

“It is the hope of the Nettles family that this important verdict will serve notice to insurance companies and rental car companies not to arrange for the leasing of vehicles to policyholders with known DWI convictions or a suspended license,” Mithoff said.