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Man Left Quadriplegic After Low-Speed Crash with Postal Truck Gets \$26.5M

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Convincing a federal judge that a crash with a United States Postal Service truck — which took place at between 2.5 mph and 6 mph — caused a “chalk-stick” through-and-through spinal fracture that rendered his client quadriplegic wasn’t an easy task.

“You had to really thread the needle through a super small eye to make it work because here you have a gentleman with ankylosing spondylitis, with a deformed neck because of that, living a full and active life, and suddenly this low-impact crash leads to quadriplegia,” attorney Kyle Pugh of Dallas recently said in an interview with *The Lawbook*, admitting that on the surface “this makes no sense.”

Michael Le was backing out of the driveway of his Grand Prairie home on a rainy day in May 2018, to go pick up his son from school at the same time as a postal worker, Jill Williams, was distributing mail in a community mailbox on the opposite side of the street, catty-corner from Le’s house.

A package Williams needed to deliver wouldn’t fit in the community mailbox, meaning she needed to leave it at the recipient’s door a few houses behind her. Rather than walk in the rain to deliver the package, she decided to reverse against the flow of traffic to get to the house.

USPS drivers are taught only to reverse in an emergency, largely because of blind spots that make it nearly impossible to see behind the mail truck. As she reversed, the mail truck hit the back right panel of Le’s car, which was in drive but hadn’t yet moved forward.

Immediately following that impact, Le told officers at the scene, he lost control of his legs and his car lurched forward at about 20 mph as he drove through his own yard and a neighbor’s fence before coming to rest after hitting his neighbor’s house.

Le was walking around after the accident and initially refused medical attention but was soon transported to the hospital by family after he slumped to the ground and was unable to stand.

Aside from explaining how Le had been living an active life with the undiagnosed spinal disease that made him more susceptible to fractures at low levels of force, Pugh had to prove to U.S. District Judge Reed O’Connor that it was the crash with the letter carrier — and not the immediate subsequent crash — caused Le’s injuries.

And then he had to contend with the government’s decision to designate the treating orthopedic surgeon as a responsible third party.

“It keeps cascading,” he said of the work involved to secure the judgment. “It was exhausting.”

He also had to rebut a police officer’s report from the scene of the that blamed Le for the crash. The officer’s own body camera footage, where the letter carrier could be heard confessing “I hit him,” was key, Pugh said.

“I just showed that this report was really of no merit whatsoever,” he said. “That set the tone and let the judge know there’s a lot more to the story here.”

Because Le’s suit was brought under the Federal Tort Claims Act, a bench trial was mandated.

Judge O’Connor heard four days of testimony in April and issued his opinion July 24, awarding Le and his wife, Dung Le, \$26.5 million in damages. The parties had stipulated to compensatory damages but Pugh did not suggest a dollar amount of noneconomic damages to Judge O’Connor, he said.

“Plaintiff attorneys can get up and rant and rave and suggest high numbers ... and I really thought and read and studied Judge O’Connor’s prior opinions and decided it would be best not to argue numbers to him, and that he would properly arrive at those on his own,” he said.

Through the testimony of expert witnesses, Pugh was able to show, based on the fracture pattern of Le’s C6 vertebra and his subsequent inability to control his legs, that the first

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collision caused his injuries.

“Moreover, each of the parties’ medically trained experts – every one of them – agrees that a chalk-stick fracture of the kind Mr. Le suffered can cause transient neurological dysfunction (fluctuating capacity to use and control one’s extremities) as a result of a distressed or injured spinal cord,” Judge O’Connor wrote. “The parties’ experts further agree that Mr. Le’s neurological symptoms were in fact fluctuating due to a spinal cord injury near the time of the accident.”

Prior to the crash, Le worked at the Dallas Fort Worth Airport for a logistics and supply company, Pugh said. Since his paralysis he’s endured repeated hospital stays for various complications including infections and pain management and his lower legs have been amputated. He also suffered a tear to his esophagus and now requires a feeding tube.

“Mr. Le is generally confined to his bed or wheelchair and rarely leaves his house due to the difficulty and expense of transporting him,” Judge O’Connor wrote. “Given his immobility, he requires around-the-clock care from his wife and sons and can fulfill none of the physical roles he provided for himself and his family prior to the accident.”

Pugh described the case as a “medical-legal puzzle” that required all parties to solve.

“Seeing a case like this, where you’re backing out of a driveway to pick up your son and in a moment this happens, it makes you pause,” he said. “All of us should be aware of our actions and how quickly our lives can change.”

The government is represented by Dawn Whalen Theiss and Sarah Delaney. They did not immediately respond to a request for comment Thursday.

The case number is 4:22-cv-00147.