



TRIAL TOUGH. SOLUTION SAVVY.™



CASE STUDY

How Lightfoot **DEFEATED A \$9 MILLION PERSONAL INJURY CLAIM** Despite Inheriting a Damaging Record

A Municipal Construction Project Triggers a \$9 Million Personal Injury Lawsuit



Our client, Lucas Construction Co., Inc., a municipal contractor handling a street and driveway reconstruction project in Dickinson, Texas, faced a \$9 million personal injury lawsuit. The plaintiff claimed he was hurt while walking through Lucas's active construction zone and alleged Lucas created unsafe conditions, resulting in his fall and traumatic brain injury. He sought millions of dollars for personal injuries, including past and future medical costs.

By the time Lightfoot was retained, discovery was closed and the trial was only weeks away. Multiple witnesses, including Lucas representatives, testified during depositions that Lucas technically violated its contract with the City of Dickinson by obstructing driveways during construction. This testimony was

then confirmed by the City of Dickinson and Lucas's own liability experts. The plaintiff relied heavily on that testimony and a photograph taken during construction as key evidence.

Because of the timing of Lightfoot's involvement, our trial team could not impact or alter the discovery record. The challenge was to confront this damaging testimony and related evidence head-on and explain to the jury the real-world context of how construction projects actually work.



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DEEP EXPERIENCE

Our Approach



Jared Levinthal
Partner

Led by partner [Jared Levinthal](#), our trial team began by stripping the case down to its core facts and rebuilding the defense from the ground up. Rather than attempting to minimize or ignore the damaging admissions already in the record, we embraced them and focused on providing context.



Joshua G. Latzman
Partner

Working closely with Lucas Construction, Lightfoot developed a clear narrative explaining how street and driveway construction projects work, and why temporary obstruction of driveways is often required to comply with municipal design plans. The team invested significant time learning the technical aspects of concrete pouring and driveway replacement, relying on the client's expertise to inform trial strategy.



Phillip J. Pullen
Associate

At trial, we focused on telling a complete and honest story to the jury. We did not shy away from the facts and addressed them directly, including the plaintiff's central exhibit—a photograph purportedly showing the unsafe condition created by Lucas. Our team established, through all the witnesses, that the photograph was taken during active construction. While the image depicted an unsafe condition, we demonstrated to the jury that this condition was inherent to normal, ongoing construction activity, not the result of negligence or a “hidden hazard” created by Lucas.



Sam McAllister
Director of
Litigation
Technology

Lightfoot also showed that the plaintiff had crossed the same area earlier that day and on prior days, thereby undermining claims that the conditions were unexpected or unreasonably dangerous.

In addition to liability, the team took an incredibly aggressive approach to damages. Rather than assuming a defensive posture, we affirmatively challenged the plaintiff's medical claims directly, exposing grossly inflated charges and arguing that some of the treatments were completely unnecessary and ineffective.



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The Result

After a nine-day trial, the jury returned a decisive defense verdict, finding no liability on the part of Lucas Construction and assigning 100 percent responsibility to the plaintiff. The jury awarded zero damages.

The verdict fully rejected the plaintiff's \$9 million claim and vindicated Lucas Construction's performance of the project, confirming that the company implemented the city's design plans exactly as drawn and performed the work it was hired to do.

"As we approached our trial date, facing up to \$9 million in alleged damages, sleepless nights seemed to be the new norm. However, the hard work and preparation the Lightfoot team put into our case, especially in preparing us as witnesses, made all the difference," said Jimmy McGinnis, the vice president of Lucas Construction. "All members of their team are some of the most impressive individuals I've had the privilege of working with. Their dedication, experience and intelligence showed both during the trial and in the defense verdict."

In addition to Levinthal, the Lightfoot trial team included partner [Joshua G. Latzman](#) and associate [Phillip J. Pullen](#), along with Director of Litigation Technology [Sam McAllister](#).



VALUE OF EXPERIENCE

About Lightfoot, Franklin & White LLC

Trusted by clients and respected by opponents, Lightfoot is a leading national litigation firm. True to its "Trial Tough, Solution Savvy" philosophy, Lightfoot has been named a "Top 20 Trial Law Firm" in the U.S. by Benchmark Litigation since 2019. Working from offices in Birmingham and Houston, the firm's 60+ lawyers are known for their work involving complex, bet-the-company litigation; internal and government investigations; risk management; and compliance counsel, including NCAA matters, for clients across the country and around the world. For more information, visit lightfootlaw.com and connect with us on [Facebook](#), [LinkedIn](#) and [X](#).



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