



Crash victim awarded \$7.39 million settlement

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SUNSTAFF

LaWanda Conaway was full of happy thoughts on that clear, crisp January morning last year as she drove along Interstate 70 near Rolling Road toward her job at a Columbia mortgage company. Her wedding day was a month off; her dress was bought; invitations were sent; the hall was rented.

But in seconds, the 21-year-old part-time model's life was shattered — nearly lost completely — as a tractor-trailer hauling 4 1/2 tons of paper slammed into the rear of her small sedan. It crumpled like an accordion and burst into flames.

The flames enveloped her upper body, nearly burning her face off.

Ironically, Miss Conaway said last week, state police investigators decided she was at fault in the crash — without even interviewing her — as she lay in intensive care at the Francis Scott Key Burn Center for two months, much of the time in critical condition.

But her family retained Stephen L. Snyder and Howard Janet, partners in a Pikesville law firm, whose investigation not only caused police to reverse their conclusions, but led last week to a \$7.39 million settlement that will make the burn victim financially secure for life.

"We were able to take a situation

that was potentially damaging to the plaintiff and reverse it," Mr. Snyder said. If the accident had been ruled her fault, she would not have been able to collect damages, he said.

The case had been scheduled for trial next month in Circuit Court, and Mr. Snyder said he intended to challenge the state's recent cap of \$350,000 on awards for pain and suffering. (There is no cap on what a plaintiff can recover for economic losses, such as lost wages and hospital bills.)

"We were willing to take it to the Court of Appeals, so we told them [the insurers] not to feel comfortable with the cap," he said. "I don't believe they wanted the Conaway case to be the test."

E. Charles Dann, Jr., of Semmes, Bowen & Semmes, the lawyer for the National Freight Company, of Vineland, N.J., said the company had instructed him not to comment on the settlement by its insurer, Liberty Mutual Insurance Co. But he said that the truck driver, William J. Terlosky, 31, of Roanoke Rapids, N.C., no longer works for the firm.

While the settlement will enable Miss Conaway to employ advances in plastic surgery, no amount of money can undo the psychological damage the burns left, said the young woman, who uses thick pancake makeup to cover her scars. To her, the psychological injury was even worse than the

physical injury.

"The most devastating thing is that I lost my identity," the 1982 Millford Mill High School graduate said. "I lived with one face for 21 years, and then a truck driver changed it in one second and took it away from me."

Mr. Snyder emphasized that the result was catastrophic to someone who had already started out in the world of beauty and beauty care and hoped to make it her career. Miss Conaway is a licensed cosmetician.

In her deposition, the small, slender young woman said, "The world was my oyster. I could have accomplished anything and everything I set out to do. Today, my only hope is that I survive and be accepted into society."

Discussing her desire to take advantage of each advance in reconstructive surgery, she said, "I don't want to be beautiful. I just want to be normal again and be able to go out without people staring. Some day, I'd like to donate my experience to others, but at this time I'm not capable of it — because I'm still traumatic myself... I couldn't make anyone feel better. If anything I'd make them feel worse. Special attention should be given to burned children," she said, "I had grown and developed a personality by the time I was burned, but it's so terrible to grow up with such a disfigurement."

Words fail her as she gropes to praise the staff at the Key Burn Center, and the work they are doing on cases — such as hers — that a few years ago would have been fatal. "They are saving people with 80 percent of their bodies burned. They're growing new skin for people there," she said, "but they don't have enough financial support and they should."

Many times she wanted to die rather than fight, she said, but the love of her mother, Sherry Julian, and her boyfriend, Patrick Tales, and the skill and compassion of her plastic surgeon, Dr. Robert J. Spence, gave her the will to go on.

Some day, too, she wants "to speak out about the danger truck drivers — who dominate traffic today — pose to other drivers," she said, "Legislation has to mandate more severe penalties for truck drivers who violate traffic ordinances. They must be held to higher standards than other drivers."

Once he discovered the inconsistencies between the statements of witnesses to the fiery crash and the state police report, Mr. Snyder explained, he employed R. Scott Wills,

an independent accident reconstruction expert, to study the accident, then recreate it on videotape.

Mr. Wills' findings were shown to Trooper First Class Robert H. Hundtermark Jr., who had reconstructed it for the police, but the report did not include the key fact that Miss Conaway had started from the shoulder of the road, Mr. Snyder said.

The trooper reversed his opinion that Miss Conaway was responsible. He also noted that Mr. Terlosky, the truck driver, had made no effort to avoid the collision even though he had more than a quarter-mile of clear vision on a dry day in light traffic that allowed him to see her and change lanes in time.

According to the records, Miss Conaway had pulled off westbound I-70 onto its shoulder to try to determine the cause of a noise in her tires. Some men working nearby talked with her and suggested she could get to a service station at the next exit.

Wearing her seat belt and with her emergency lights flashing, she pulled into the slow lane and, according to the records, had traveled 345 feet

between 20 mph and 25 mph when Mr. Terlosky, who said he was traveling between 50 mph and 55 mph, slammed into her.

In his statement to police, Mr. Terlosky said that he was 150 feet away when she pulled out and that her car was stopped on the highway when he hit her. The later reconstruction, however, showed that he was between 1,100 and 1,900 feet away when she pulled off the shoulder and had plenty of time to stop, slow down or change lanes to avoid the collision.

Two witnesses, Jimmie Snyder of the 1400 block of Carswell Street and Joseph C. Lacasse of Towson both said the accident could have been avoided if Mr. Terlosky had changed lanes. "He drove right into the back of her car," Mr. Snyder said.

Miss Conaway said three passing motorists saved her life by pulling her from the burning car. "I wouldn't be here without them and I'd like to thank them," she said. The men, she said, are Patrick R. O'Donnell of Westminster; Hobert H. Shrader of the 1000 block Foxcroft Lane, Baltimore; and James E. Freeman of Dayton, Ohio.