

DAILY REPORT

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► VERDICTS & SETTLEMENTS

Woman's estate wins \$5.8M from fatal DUI wreck

PLAINTIFFS DECLINED initial defense offering of \$200,000 from insurance company

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An attorney for the defense says no decision has been made as to whether there will be an appeal of a \$5.8 million award a Fulton County State Court jury delivered last week to the husband and estate of a young mother who was killed by a drunk driver.

Stacey Camacho was 25 and had just left a family gathering when her compact car was struck by a van driven by Seung C. Park, said attorney Nelson O. Tyrone III of Decatur.

"She was leaving her mother's house on the third of July, [a] holiday weekend; they had been playing cards," said Tyrone. Camacho's 2-year-old son, Jacob, was in the back seat strapped into a car seat, and Camacho stopped for a traffic light at the intersection of Moore Road and Peachtree Industrial Boulevard in Gwinnett County.

"Her mom lives in a subdivision right off of Peachtree Industrial, and she'd been in the car about a minute," said Tyrone. "It was about 10 o'clock at night, and when she got the signal, she started to turn onto Peachtree Industrial and was t-boned by Mr. Park."

"She was in Toyota Tercel, and he was driving a Chevy commercial van, doing about 55," said the lawyer. "It was the most horrible wreck you've ever seen."

Jacob suffered cuts and a head injury, and a passerby who stopped on the scene said the child was screaming from the back seat and Camacho was unconscious.

The first police officer said Camacho briefly came around and "was fighting for her life, trying speak, trying to look back to see where her child was," said Tyrone. Then she lost consciousness again, and never regained it; she died the next day.

Park, 50, was arrested and charged with DUI on the scene. He had been to a barbecue at a friend's house that day, said Tyrone. "He was not a big drinker, but had been drinking that afternoon," he said.

Park pleaded guilty to vehicular homicide in Gwinnett County last year, and is currently



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Nelson Tyrone, standing left, and Charles McAleer, right, represented Stacey Camacho's (in poster) mother, LaJean Nichols, seated front, and husband, Jesus.

incarcerated at Smith State Prison serving a sentence of 12 years, with seven to be served in prison.



[The jury]

recognized what a tragedy this was for everybody, and what a wonderful person Stacey had been. But they also felt that [Park] had accepted responsibility, and was being punished severely.

—William H. Major III, defense lawyer

In 2006, Tyrone and fellow Decatur sole practitioner Charles H. McAleer filed a wrongful death action on behalf of Jesus Camacho, the victim's husband, and LeJean Nichols, her mother and the executor of her estate.

Park's insurer, Nationwide Mutual Insurance, retained Hawkins & Parnell partner William H. Major III and associate Peter A. Jacxsens Jr. to defend the case; prior to the trial, the defense offered the \$200,000 limits of Park's insurance, which was declined.

On Sept. 21, trial started before Fulton County State Court Judge Susan E. Edlein. Camacho's attorneys offered expert testimony on the projected value of Stacey Camacho's life, said Tyrone. A recent college graduate with a major in Romance languages, fluent in French and Spanish, she tutored students studying for the GED and was in the process of becoming a school teacher, said Tyrone.

The jury also heard from Walt Davis, clemency director for the state Board of Pardons & Paroles, concerning Park's term of incarceration and placement on the grid that determines an inmate's possible parole date, he said.

On Sept. 24, after a little more than three hours, the jury awarded the plaintiffs \$5.12 million for the value of Stacey Camacho's life, and another \$715,000 for her pain and suffering in the interim between the accident and her death. The jury found that punitive damages should not be awarded.

"This was a really tragic accident," said Major. "My client admitted that he caused the accident by driving intoxicated; he admitted liability before and during trial."

McAleer and Tyrone "did a very, very nice job," he said, and post-trial conversation with the jurors revealed a panel that was "just trying to be fair," he said. "They recognized what a tragedy this was for everybody, and what a wonderful person Stacey had been. But they also felt that [Park] had accepted responsibility, and was being punished severely."

The case is *Nichols v. Park*, No. 06EV000714.