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UPDATE: Conflicting testimony leads to \$16 million settlement

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Conflicting statements offered by a witness on the stand Thursday morning led to a stop in testimony and a settlement offer later in the day.

Attorneys representing Pioneer Drilling Company in a case involving a Cleburne woman's death last year agreed to settle with the woman's family for \$16 million.

The court's acceptance of Pioneer's settlement offer waives their right to appeal the amount, said Fort Worth attorney John David Hart, who represented the woman's family.

The settlement came after three days of testimony in the 413th District Court.

The family of Rhonda Kay Henson, 41, sued Pioneer and Daniel Armstrong asserting negligence and a wrongful death claim.

On Sept. 11, a two large pieces of gas well equipment fell from a Pioneer tractor-trailer driven by Armstrong.

One piece, known as a spreader bar, struck Henson's truck and killed her. The accident occurred on Farm-to-Market Road 157 near Venus.

During testimony, Armstrong admitted to numerous driving infractions and said he was not aware of safety laws and regulations about securing and transporting large loads.

Armstrong discussed earlier driving infractions including tickets, accidents, license suspensions and a driving under the influence by a minor citation.

Armstrong said he, and other Pioneer officials, falsified and back dated documents in his employee file after the Sept. 11 accident.

Company officials also allowed Armstrong to drive a tractor-trailer once after the accident, he said.

Evidence offered Thursday about the handwritten description on a Pioneer company accident report proved contradictory.

In a previously taken deposition video played for jurors on Thursday, Armstrong said the handwriting, but not the signature, was his.

On the stand Wednesday, Armstrong said neither the accident description or signature were his handwriting.

Hart also questioned different accounts Armstrong gave of the circumstances of the accident over time.

Armstrong said he believed the initial account he gave to Venus police was correct at the time.

"Now I know it was false; at the time I thought it was correct," Armstrong said.

Armstrong admitted to having given conflicting testimony in other matters.

"So you've lied to this jury as we've been here today?" Hart said. "Why do you continue to lie while this family is here who have lost a loved one?"

“Yes sir,” Hart said. “I do not know.”

Because of the inconsistent statements, Judge Bill Bosworth stopped testimony at that time to give Armstrong a chance to consult Bill Mason, a Cleburne criminal attorney.

“Any time a person on the stand starts admitting to or discussing possible criminal conduct, the judge is supposed to take a time out so that person’s attorney can explain their Miranda rights to them and let them know they don’t have to answer questions that could be incriminating, and that’s what Judge Bosworth did,” Mason said.

Mason said Pioneer had previously hired him to represent Armstrong should any criminal proceedings connected to the accident arise. No charges have been filed so far, Mason said.

“That’s pending review by the Johnson County grand jury,” Mason said.

Armstrong never retook the stand and no more testimony was heard.

Hart said he had planned to call several current and former Pioneer employees, several of whom allegedly took part in the falsification of Armstrong’s records, knew of safety violations, or knew Armstrong was not legally qualified to drive a tractor-trailer on the day of the accident.

Instead, company attorneys and officials decided to settle at about 3 p.m.

Pioneer’s insurance company will pay \$15 million of the settlement, and the company will pay the other \$1 million, Hart said.

“We’re pleased to be able to resolve this for Rhonda Henson’s family,” Hart said after the settlement. “We believe it was a just outcome within our civil court’s system and a fair settlement given the facts of the case. It wasn’t about money for the Henson family so much as it was about accountability.

“This is a terrible loss for the Henson family, and Rhonda can never be replaced. But we believe that this settlement will at least make companies more aware of the need for good safety and hiring practices.”

Attempts to contact attorneys representing Pioneer were unsuccessful.