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Sun Herald, The (Biloxi, MS)

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## LEE-BLENDEN CIVIL TRIAL IS UNDER WAY

*Greg Lacour / The Sun Herald*

GULFPORT --- There's no doubt that Brandon Corey Blenden, a 19-year-old Saucier man living in the Harrison County jail, caused the death of 4-year-old Whitney Lee in a car wreck in early 1995.

But Whitney's parents, Jack and Ann Lee, don't place the blame solely on Blenden. They also blame Jim Walter Home, Inc. of Gulfport, which held a lease on the truck Blenden was driving, drunk, when he plowed into the back of Ann Lee's car and killed Whitney. A jury in Circuit Court this week will decide whether Jim Walter Homes is liable, and how much Blenden should be ordered to pay Whitney's family.

Blenden, whom a jury convicted last year of DUI causing death, concedes he is liable for actual damages. But he argues that punitive damages should be limited because he did not intend to kill the child.

Jim Walter Homes claims Blenden shouldn't have been driving the truck that they didn't know he was, and that the person who should have made sure Blenden didn't drive the truck was fired shortly after the accident.

"We are not liable for the actions of Corey Blenden," Jim Walter Homes attorney Silas McCharen told jurors.

Testimony began Monday and will resume today at 9 a.m. before Judge Kosta Vlahos. The Lee's filed the suit May 24, 1995 against Blenden, Jim Walter Homes and five others. But the cases against those five have been dismissed, for reasons ordered confidential until the end of this week's trial.

At the time of the accident, Larry Wallingford, named in the original suit, was living with Blenden and Blenden's mother, whom he was dating. He also was an assistant construction supervisor for Jim Walter Homes, which let him use a 1994 Ford Ranger pickup truck as a perk. Wallingford let Blenden, who was doing odd jobs for Jim Walter Homes, use the truck on occasion, too.

Blenden was driving the truck the night of Jan. 29, 1995, when he drove drunk from the party and into the back of Ann Lee's Car, which was stopped on Old U.S. 49. Whitney was in the back. The collision fractured her skull, and she died two days later.

When Jim Walter Homes found out about the accident, it fired Wallingford, former company branch manager Gordon Moudy testified Monday.

Trial Notes

Plaintiffs: Jack and Ann Lee of Gulfport

Plaintiff's attorney's: Joe Sam Owen, Robert P. Myers Jr. and Albert Necaize of Gulfport.

Defendants: Brandon Corey Blenden of Saucier, Jim Walter Homes Inc. of Jackson.

Defendants' attorneys: **Wayne Woodall** of Gulfport (Blenden); Silas McCharen and Forrest Stringfellow of Jackson (Jim Walter Homes).

Requested damages: \$15 million

Court: Before Judge Kosta Vlahos, Circuit Court, Gulfport.

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