
Judge OKs lawsuit filed by family of Shrewsbury trucker who died in Oklahoma crash

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WORCESTER – The family of a Shrewsbury man killed in Oklahoma after a tractor-trailer driven by the man training him crashed can keep its wrongful death lawsuit in Massachusetts, a federal judge ruled Tuesday.

U.S. District Court Judge Timothy S. Hillman rejected a bid by New Prime Inc., a large Missouri trucking company, to dismiss a lawsuit filed in his court by family of Jose E. Moura Jr. for lack of jurisdiction, court records show.

Mr. Moura, 38, died six days after a Dec. 14, 2016, crash in which a tractor-trailer in which he was a passenger rammed into the back of another tractor-trailer that was stopped in traffic on a highway near Oklahoma City.

According to the ruling, Mr. Moura had recently finished driving 40,000 miles with the instructor, an independent contractor who was training him, and the instructor was driving the two to the company's headquarters.

The driver, John Paul Cannon of Pennsylvania, died in the crash. Mr. Moura was severely injured, and died six days later during transport to a Boston hospital, his family's lawyers wrote, due to a "medical malpractice event."

According to an affidavit filed by Lori Turner, Mr. Moura's longtime domestic partner, Mr. Moura died when, in the process of being transferred from a plane to an ambulance, his endotracheal tube was removed.

Mr. Moura's family had been waiting for him at Massachusetts General Hospital, Ms. Turner said. But Ms. Turner, who had rushed to Oklahoma to be with Mr. Moura after the crash, did not arrive until two hours after his death because her flight was delayed in Chicago.

“The damages in this case cannot be overstated,” Douglas K. Sheff, whose Boston law firm filed the case, said Wednesday. “He had three young kids – a horrible tragedy (that) rips a family apart.”

Mr. Sheff’s firm wrote in court documents that it has sent legal notices to the medical providers involved and may file a medical malpractice case in state court.

Mr. Sheff said Wednesday that New Prime should be held liable for the damages that resulted from the crash. His lawsuit lodges 15 counts, including wrongful death, conscious pain and suffering and negligent hiring or supervision.

Mr. Moura, a Framingham native and longtime electrician, left behind many local relatives, according to his obituary.

New Prime has yet to answer the lawsuit, instead asking the judge to rule that it was improperly filed in Massachusetts because the crash took place in Oklahoma.

Judge Hillman ruled that the state’s long-arm statute allows the case to be heard in Massachusetts. Mr. Sheff said he looks forward to getting answers about why the crash occurred, now that the initial legal hurdle is cleared.

“There’s going to be a reason, and we’re going to find out in discovery,” he said, adding that the cause is “almost always negligence.”

Lawyers for New Prime did not immediately respond to an email asking for a comment late Wednesday afternoon. Mr. Cannon’s estate is also listed as a defendant, but a lawyer for the estate is not listed in court records.