

Missouri Lawyers WEEKLY

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Driver settles lawsuit over rear-end accident

Plaintiff alleged she lost her job due to crash



Brad Kendall

A former Hallmark employee who claimed she lost her marketing job after a car crash reached a \$900,000 settlement with the company that employed the driver who hit her.

On Sept. 18, 2006, Michelle Arreguin was driving home from work on southbound 71 Highway near Bannister Road in Kansas City. While she was stuck in traffic, a landscaping truck owned by Rosehill Gardens ran into the back of her sport utility vehicle, according to her attorney, Scott Shachtman. Arreguin's vehicle ran into the car in front of her.

The Rosehill driver said he did everything he could do to stop the truck, and that he was going slowly but could not stop. William Burk, attorney for Rosehill, said the driver testified that he downshifted and braked, but could not stop in time. Shachtman's accident reconstructionist said he was driving at least 15 mph at the time of the crash, however. Arreguin's vehicle was totaled, but there was minimal damage to the landscaping truck.

Arreguin did not report any injuries at the scene, but went to the doctor the following morning.

During the next several years, she had several surgeries on her shoulder, neck and wrist, to treat carpal tunnel syndrome. She had no pre-existing medical conditions, Burk said.

"Among her own treating doctors, there were competing opinions on the need for surgery," he said.

Burk had Arreguin meet with a psychiatrist, who said there were some psychological issues involved as well.

"I believe his report was helpful in letting us resolve this case," Burk said. "There might have been a large psychiatric component to her medical complaints."

Arreguin has a marketing degree from the University of Missouri-Columbia and was a manager in the marketing department at Hallmark for several years, but after the accident, she missed several

months of work for medical appointments and surgery. She also had problems concentrating and staying on schedule with projects, Shachtman said. Her supervisors allowed her to work from home one day a week, but eventually, Hallmark eliminated her position, and she was laid off.

Hallmark managers said during depositions that Arreguin had no work performance issues prior to the wreck, and that of the four people in her department, she was the only one let go, and the only one with work performance problems.

"We were able to at least gain some circumstantial evidence that she was let go as a result of the wreck, but Hallmark still testified it was a cutback, and it had nothing to do with the wreck," Shachtman said. "[Arreguin] really didn't feel she was able to do the job. She felt like the wreck really set her back

and it made it hard for her to concentrate at work."

She accepted another job shortly before the case resolved, but within two weeks, she realized she couldn't do it and resigned, Shachtman said. He said the \$900,000 settlement includes payment for medical bills as well as future lost wages. The funds will help her pay medical bills and cover future expenses, he said.

"When you get hurt, it comes with two things — first there's the pain but then you have that financial burden. Now, at least, she doesn't have that financial burden anymore," he said. "She was simply trying to get home that day. It's amazing how fast things can change in a matter of seconds when somebody rear-ends you."

— Rebecca Boyle

■ \$900,000 settlement

MOTOR VEHICLE COLLISION

- **Court:** Jackson County Circuit Court at Independence
- **Case Number/Date:** 0916-CV28758/Oct. 6, 2010
- **Mediator:** Bill Sanders Jr.
- **Plaintiffs' Experts:** Kevin Johnson, Wolf Technical, Indianapolis, Ind. (accident reconstruction); Kenneth Thompson, Louisburg, Kan. (DOT regulations specialist); Michael Dreiling, Prairie Village, Kan. (vocational specialist); John Ward, Prairie Village, Kan. (economics)
- **Defendants' Expert:** Dr. Patrick Hughes, MD, Prairie Village, Kan. (Psychiatrist)
- **Insurer:** General Casualty
- **Caption:** Michelle and Fred Arreguin v. Rosehill Gardens, Rosehill LLC and James T. Whitney
- **Plaintiffs' Attorneys:** Brad Kendall, Holtsclaw & Kendall, Kansas City; Scott Shachtman, The Shachtman Law Firm, Kansas City
- **Defendants' Attorney:** William Burk, Manz, Swanson & Mulhern, Kansas City