

# MISSOURI LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Defendant pays \$625K for car accident injury

Plaintiff demanded money for lost income



Brad Kendall

#### \$625,000 Settlement

A Buckner, Mo., plaintiff, who was injured in a vehicle accident and claimed negligence and lost income, settled with the defendant for \$625,000.

The plaintiff filed suit in Jackson County Circuit Court, but the defendant removed the case to federal court. The case was settled at mediation as part of the Early Assessment Program.

On March 15, 2004, the plaintiff was driving in the left eastbound lane of I-70 near Boonville, Mo. Defendant was driving in the right

eastbound lane of I-70 slightly ahead of the plaintiff. Defendant decided to make an illegal u-turn on a median crossover and turned into the plaintiff's path. The two vehicles collided.

The plaintiff required surgery and would later undergo physical rehabilitation. The plaintiff lost three months of work during this time. Past medical expenses were \$82,000. Plaintiff returned to work which involved running a company that digs wells. Due to his injury, the plaintiff could no longer perform at

his previous work level before the injury.

Although in the two years following the injury the plaintiff's company had made profits larger than at any time in the company's history, the plaintiff argued that the profit and his income would have been greater had he not been forced to modify his work habits. The defendant contested the losses.

#### Facts of the case

**Type of Action:** Negligence

**Type of Injuries:** Burst fracture of L2 vertebra

**Court/Case Number/Date:** U.S. District Court, Western District of Missouri (removed from Circuit Court of Jackson County, Mo./05-00085-CV-W/ March 26, 2005

**Caption:** Gary Sisk v. Confidential defendant

**Judge, Jury or ADR:** ADR

**Name of Judge:** Gary Fenner

**Name of mediator:** Kent Snapp

**Verdict or Settlement:** Settlement

**Amount:** \$625,000

**Special Damages:** \$82,000 medical costs

**Allocation of Fault:** N/A

**Last Demand:** N/A

**Last Offer:** N/A

**Attorney for Plaintiff:** Michael S. Dodig of Dodig, Arbuckle & Carey, and Brad Kendall of Holtsclaw & Kendall.

**Insurer:** Confidential

**Plaintiff's Experts:** N/A

**Defendant's Experts:** N/A