

# MISSOURI LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Fatal semitrailer collision case with 'clear liability' settles for \$1.1 million

*Plaintiffs claimed trucker crossed centerline*



Tim Dollar



Tim Becker

#### \$1.1 million Settlement

The family of a woman involved in a fatal collision with a tractor trailer has reached a \$1.1 million settlement in their Cedar County wrongful death case against the trucking company.

"Clear liability" on the part of the trucker influenced an early settle-

ment, said plaintiffs' attorney Denise Henning of Kansas City. And because the decedent was "not a huge wage earner," Henning noted that the settlement is a "nice recovery" for the family.

On Dec. 21, 2001, Bobbi Hartgrave, 45, was driving a Pontiac Grand Prix westbound on U.S. 54 in rural Cedar County. Michael Wilkins, a driver for Springfield, Mo.-based Robbies Specialized, was driving a semitrailer eastbound on U.S. 54. The two vehicles were involved in a head-on collision, resulting in a fire and Hartgrave's death.

Hartgrave's three adult children filed a wrongful death action against Wilkins, Robbies Specialized, Conlan Transport – the truck owner that leased the truck and driver to Robbies Specialized, and O&S Trucking – which dispatched the load on the truck. They claimed that the truck crossed the centerline and traveled into Hartgrave's lane, causing the collision.

The defendants contended that Hartgrave had been traveling in the truck's lane. They claimed that the truck had to swerve into her lane, attempting to avoid the collision.

During mediation before any experts

were named, the parties settled for \$1.1 million.

"The severity of the accident caused Robbies Specialized to reach an early settlement by paying its limits of \$1 million," said Tom Buchanan of Kansas City, attorney for O&S Trucking. "The minimal evidence against O&S resulted in a settlement of \$100,000 with O&S, which carried a \$2 million insurance policy."

Mike Kirkham of Kansas City, attorney for Robbies Specialized, Conlan Transport and Wilkins, noted that his clients did not admit liability or believe that a jury would find any aggravated liability if the case went to trial. "It just made sense to resolve the case early on, before any additional expense was incurred," he said.

— Anne Vitale

#### Facts of the Case

**Type of Action:** Wrongful death

**Type of Injuries:** Death

**Court/Case Number/Date:** Cedar County Circuit Court/06CD-CV00082/Dec. 7, 2006

**Caption:** Hartgrave, et al. v. O&S Trucking, et al.

**Judge, Jury or ADR:** Mediation

**Name of Judge:** James Bickel

**Verdict or Settlement:** \$1.1 million settlement

**Special Damages:** N/A

**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorneys for Plaintiff:** Tim Dollar and Tim Becker, Dollar, Burns & Becker, Kansas City; R. Denise Henning, The Henning Law Firm, Kansas City

**Attorneys for Defendant:** Greg Spies and Tom Buchanan, McDowell Rice Smith & Buchanan, Kansas City (for O&S Trucking); William Sanders Jr. and Mike Kirkham, Sanders Conkright & Warren, Kansas City (for Robbies Specialized, Conlan Transport and Wilkins)

**Insurance Carrier:** Great West Casualty

**Plaintiff's Experts:** None

**Defendant's Experts:** None