

# MISSOURI LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### 18-Year-Old Killed In Truck Accident

*He Died Of Smoke Inhalation*

#### \$7.1 Million Settlement



TIM DOLLAR



TIM BECKER



JOSEPH MORREY

Anthony and Michelle Leake sued after an accident with a tractor-trailer took the life of their son.

On May 11, 2002 Noah Leake, 18, was traveling on Interstate 70 at the Benton Curve in Jackson County. Corey Griffin was

driving his tractor-trailer in the same direction when it overturned on Noah Leake's car.

A fire erupted and Leake, pinned under the truck, died of smoke inhalation.

The Leakes filed a wrongful death suit against Griffin and his employer, Gainey Transportation Services, Inc., claiming that Griffin was driving too fast. They also sued the Missouri Highway and Transportation Commission, claiming that the highway signage was inadequate.

The parties settled on the fourth day of trial, with Gainey paying \$7.125 million and MHTC paying nothing.

**Type of Action:** Automobile accident

**Type of Injuries:** Death

**Court/Case Number/Date:** Jackson County Circuit Court/02CV-216444/Sept. 15, 2003

**Caption:** Leake, et al. v. Gainey Transportation Services, Inc., et al.

**Judge, Jury or ADR:** Jury

**Name of Judge:** Justine Del Muro

**Special Damages:** None

**Verdict or Settlement:** \$7.125 million settlement

**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorneys for Plaintiffs:** Tim Dollar and Tim Becker, Law Offices of Tim Dollar, L.C., Kansas City; Joseph A. Morrey, St. Joseph

**Insurance Carrier:** Liberty Mutual Insurance; XL Insurance America; American Guarantee and Liability Insurance Company

**Plaintiff's Experts:** Dr. Chase Blanchard, Princeton Junction, N.J. (medical examiner); Dr. Joseph L. Burton, Alpharetta, Ga. (cause of death); Kenneth A. Thompson, Louisburg, Kan. (motor carrier safety); Richard M. Ziernicki, Englewood, Colo. (accident reconstruction)

**Defendant's Experts:** Thomas J. Bath Jr., Overland Park, Kan. (attorney – constitutional rights); Carmen W. Daecher, Camp Hill, Penn. (motor carrier safety); Dr. Thomas A. Gennarelli, Fox Point, Wis. (biomechanical engineer); Gordon E. Hartzell, San Antonio, Texas (toxicologist); James R. Hrycay, Windsor, Ontario, Canada (accident reconstruction)



The victim was pinned under the truck.