

MISSOURI LAWYERS WEEKLY

December 6, 1999

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VERDICTS & SETTLEMENTS

Trucker Severely Burned In Head-On Crash *Struck Gas Line After Careening Into Ditch*

\$4 Million Settlement

The plaintiff was a 31-year-old trucker who was severely burned in an accident with another truck. He sued the other trucking company.

The accident happened on May 24, 1999 on Highway 169 near Iola, Kan. The defendant truck was southbound when it rear-ended a vehicle that was stopped to make a left-hand turn. The defendant's truck then careened into the northbound lane, where it hit the plaintiff's truck. Both tractors burst into flames, and the plaintiff's truck ran into a ditch, where it struck a gas line, which exploded. The plaintiff escaped through the rear window of his cab and was rushed to a nearby hospital with severe burns to his lower limbs. He was eventually airlifted to the University of Kansas Medical Center burn treatment unit. He was hospitalized from May 1 to July 1, during which time he underwent seven surgical procedures for burn excision and skin grafts. Following his discharge from the hospital, he continued with outpatient treatment and home health care.

The case was settled prior to filing suit. If the settlement had not been reached, suit was to be filed in Jackson County, Mo., applying Kansas law, including \$250,000 caps for all non-pecuniary injuries. The parties agreed to a structured settlement with a guaranteed lifetime payout of \$7 million and a present value of \$4 million.

Type of Action: Negligence

Type of Injuries: Second- and third-degree burns to 40 percent of body

Court/Case Number/Date: Not filed; settled October 1999

Caption: Confidential

Judge, Jury, or ADR: N/A

Name of Judge: Not filed

Special Damages Claimed: \$370,000 past medical expense, \$3.2 million future medical expense

Verdict or Settlement: \$4 million settlement with \$7 million guaranteed payout

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorney for Plaintiff: Tim Dollar, Kansas City

Insurance Carrier: Confidential

Plaintiff's Experts: Harold Goldstein, Boston (medical economics); Dr. P. Brent Koprivica, Lenexa, Kan. (occupational medicine); Dr. Richard Korentager, Kansas City, Kan. (plastic surgery and burn treatment); Marilyn Metzl, Kansas City, Kan. (psychology); Dr. Joseph Still, Augusta, Ga. (plastic surgery and burn treatment); Steven Weinberg, Lee's Summit (accident reconstruction);

Kathy Willard, Lawrenceville, Ga. (rehabilitation and vocational counseling)

Defendant's Experts: None



TIM DOLLAR



The truck burst into flames.