

Missouri Lawyers

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WEEKLY

■ \$2 MILLION SETTLEMENT

Insurer settles claim over elevator injuries



Tim Dollar

PERSONAL INJURY, INSURANCE

- **Venue:** Confidential
- **Case Number/Date:** Confidential/Dec. 21, 2016
- **Mediator:** Mark Kempton
- **Caption:** Confidential
- **Plaintiff's Attorney:** Confidential
- **Defendants' Attorneys:** Tom Hershewe, Dollar, Burns & Becker, Kansas City; Amanda N. Murphy, Goldblatt & Singer, St. Louis

BY SCOTT LAUCK
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A lawsuit over insurance coverage for two men injured in an elevator in an abandoned building in downtown St. Louis settled for \$2 million, according to their attorneys.

The suit stems from personal injury claims brought by two employees of a company that was using the building for storage. The two men were inside the elevator when it shot up unexpectedly.

The two men sued the company that owned the building. That company's insurer said its policy didn't cover the accident and offered to de-

fend the owner only under a reservation of rights. The insurance company also filed a declaratory judgment petition to determine coverage.

The employees and the owner entered into an agreement under section 537.065. After a bench trial, a judge entered a multimillion dollar award against the building's owner. The men sought to collect the judgment from the insurer, and the owner filed cross-claims for bad faith and breach of a duty to defend. Those claims were brought in the existing declaratory judgment action, where the two men and the building owner were defendants.

Tom Hershewe, an attorney for the building owner, said the parties disputed whether the building's owner had retained the other company and its employees to take out the elevators for scrap metal, and whether the men's injuries arose out of the employees' operations or the insureds' negligence. The settlement was reached during mediation. **MO**



Tom Hershewe