

Missouri Lawyers

MOLAWYERSMEDIA.COM

WEEKLY

EXPERTLY FOCUSED. WIDELY ACCLAIMED. NATIONAL & STATE AWARD WINNER FOR NEWS, PHOTOS & DESIGN

■ \$70 MILLION VERDICT

Jurors give massive verdict in fatal Platte County wreck

MOTOR VEHICLE COLLISION, WRONGFUL DEATH

■ Venue: Platte County Circuit Court

■ Case Number/Date: 20AE-CC00254 & 20AE-CC00255/
July 27, 2023

■ Caption: John and Ruth Cosgrove; John Geiger as representative of wrongful death class of descendent and as next friend of minor E.G. v. Cherlyn McWhirt

■ Plaintiffs' Attorneys: Tim Dollar and Lauren Dollar, Dollar Burns Becker & Hershewe, Kansas City (for Geiger); John E. Turner, Turner & Sweeny, Kansas City (for Cosgroves)

■ Defendant's Attorney: Brian G. Boos, Kansas City



Tim Dollar



Lauren Dollar

Interstate 29 in Platte County, and a Ford Explorer driven by defendant Cherlyn McWhirt struck the Cosgroves' Prius from behind.

Caleb was pronounced dead at the scene. Emery sustained a leg fracture, missing teeth and emotional damage. The Cosgroves suffered minor physical injuries but endured psychological trauma from the death of their grandson.

The plaintiffs alleged McWhirt was speeding in the construction zone and had been using her phone at the time of the crash. Dollar said the defense argued she'd been traveling at the speed of traffic, that the construction signage was poor and that she was using a hands-free device. Brian Boos, who was with Litchfield Cavo at the time of trial but has since left the firm, didn't return a message seeking comment.

By chance, McWhirt had been contacting her insurance company to change her contact information when the crash occurred. Dollar said the insurer's audio recording of the call was played for the jury, though the identity of the company with which she was speaking was edited out to prevent jurors from considering that she was covered by insurance.

The Cosgroves, whose case was filed separately but was consolidated with the Geiger family's case for trial, were represented by attorney John Turner. He declined to comment.

The award far exceeds any known prior verdict in Platte County. According to Dollar, the plaintiffs made a pre-trial policy-limits demand for all applicable coverage, including their own underinsured motorist coverage through the same insurance carrier that covered McWhirt. Dollar said a bad faith suit was likely to follow.

BY SCOTT LAUCK

slauck@molawyersmedia.com

A Platte County jury awarded a record \$70 million to a family that was rear-ended while traveling on a Missouri highway, killing an 8-year-old boy.

The award included \$30 million in damages for the death of Caleb Geiger and \$20 million for his then-6-year-old sister, Emery, who was injured in the June 13, 2020 crash. The jury also awarded \$10 million each to the Geiger children's grandparents, John and Ruth Cosgrove, who were driving the children.

"They're a very wonderful family, very deserving," said attorney Tim Dollar, who, along with his daughter, Lauren Dollar, tried the case on behalf of the Geigers. "Mostly, we are grateful that the jury is providing them some peace that their son was a valued member of the community."

The Cosgroves had been taking the children from St. Louis to meet the children's parents, who are from Montana, for a family camping trip in Wyoming. Traffic had slowed for construction on northbound