

MISSOURI LAWYERS WEEKLY

June 7, 2004

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VS

VERDICTS & SETTLEMENTS

Car Rear-Ended Near School

Plaintiff Pulled Out From Shoulder



STEVEN P. KUENZEL

Defendant's Verdict

A woman who was involved in an automobile accident near a school parking lot sued the other driver.

On Sept. 18, 2002, Amanda Howard, the defendant, made a left out of the Union High School parking lot onto Main Street. Jennifer Brown, the plaintiff, was parked on the side of Main about 100 feet from the exit. She pulled out into the roadway, struck Howard's car, and was pushed into another parked vehicle.

In her lawsuit, Brown contended that Howard failed to keep a careful lookout and/or was traveling at an excessive rate of speed. In defense, Howard claimed that Brown herself did not keep careful lookout and also failed to use her blinker.

After a one-day trial, the jury returned a defense verdict in 30 minutes.

Type of Action: Automobile accident

Type of Injuries: Soft tissue neck and back

Court/Case No./Date: Franklin County Circuit Court/03CV329952/May 10, 2004

Caption: Brown v. Howard

Judge, Jury or ADR: Jury

Name of Judge: Cynthia M. Eckelkamp

Special Damages: \$2,178.45 medical expense; \$3,313 property damage

Verdict or Settlement: Defendant's verdict

Allocation of Fault: N/A

Last Offer: None

Last Demand: \$18,000

Attorney for Defendant: Steven P. Kuenzel, Eckelkamp Kuenzel LLP, Washington

Insurance Carrier: American Family Insurance Company

Plaintiff's Experts: Timothy S. Ellefson, Union (chiropractor)

Defendant's Experts: None