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VERDICTS & SETTLEMENTS

Trucking company settles in fatal rear-end crash Graduate student intern lived for 17 hours after accident



Steven Kuenzel

\$974,689 settlement

The family of a 23-year-old man killed when his car was rear-ended by a tractor-trailer settled its wrongful death lawsuit against the trucking company and its driver.

The parties settled during mediation with an insurance policy limit of \$1 million. Of that amount, \$974,689 went to Daniel Hartwig's parents with the balance to the driver of a separate vehicle also injured in the crash. The other driver settled separately with the trucking firm.

A light rain was falling as graduate student Hartwig drove to an internship job on the morning of July 1, 2004.

A tractor-trailer owned by Texas International Express struck Hartwig's vehicle from behind when Hartwig was stopped at a traffic signal on U.S. Highway 63 outside Jefferson City. Hartwig was hospitalized and survived for 17 hours.

According to plaintiffs' attorney Steven Kuenzel, the discovery process revealed that the truck driver had exceeded his driving hours limit in violation of U.S. Department of Transportation regulations. It was also discovered that the driver had allegedly altered his log book.

The truck driver did not take a post-incident alcohol test and Texas International Express did not submit documentation as to why he was not tested, Kuenzel said.

Defense lawyer Daniel Rabbitt said the situation was an unfortunate one that was good to have settled.

— Mike Nixon



Facts of the case

Type of Action: Motor vehicle crash

Type of Injuries: Wrongful death

Court/Case Number/Date: U.S. District Court Eastern District of Missouri/4:05-CV-663/April 18, 2006

Caption: Jeffrey and Mary Ann Hartwig v. Texas International Express LLP et al.

Judge, Jury or ADR: Mediation

Name of Judge: Brendan Ryan

Verdict or Settlement: \$974,689 settlement

Special Damages: \$75,126.15 medical

Allocation of Fault: N/A

Last Demand: N/A

Last Offer: N/A

Attorney for Plaintiff: Steven P. Kuenzel, Eckellkamp, Eckellkamp, Wood & Kuenzel, Washington, Mo.

Attorney for Defense: Daniel T. Rabbitt, Rabbitt, Pitzer & Snodgrass, PC, St. Louis

Insurer: Canal Insurance Co.

Plaintiff's Experts: Kenneth Thompson (log book violations) Louisburg, Kan.; Valerie Rao M.D., (medical examiner) Columbia, Mo.; James Kessel, M.D., (medical trauma) Columbia, Mo.; John Oro, M.D., (neurosurgeon) Columbia, Mo.; Thomas Watson, M.D., (medical care) Columbia, Mo.; M.H. Mahon (accident reconstruction) St. Louis