

# Missouri Lawyers

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## WEEKLY

### Jury finds for defense in suit over collision

*Plaintiff failed to convince jurors of claims*



Steven Kuenzel

A Franklin County jury found for the defense in a rear-end collision case involving a plaintiff with multiple prior injuries.

Jule Lucas was rear-ended by Melody Rinne in February 2002 at an intersection in downtown St. Clair. Lucas had been waiting to make a left when Rinne hit him while driving a '98 Chevy Blazer going 10 mph or less, she claimed.

The steel bumper of Lucas' '73 Chevy pickup wasn't damaged much by the accident, but Lucas claimed he suffered neck and back injuries that required three surgeries to his intervertebral disc at the T12-L1 level.

Plaintiff attorney Walter L. Floyd said it was undisputed that Lucas' T12-L1 disc was herniated to the point where the majority of it was pressing up against his spinal cord and had to be removed. It took three operations to decompress the herniated disc and to get most of the disc material off the spinal cord, Floyd said, and Lucas'

last operation resulted in a fusion that required vertical rods, plates and seven screws.

Lucas claimed the injuries left him debilitated and unable to participate in his regular recreational activities, such as hiking up to 20 miles a day looking for mushrooms and herbs he sold for additional income. Lucas also claimed he was hardly able to sleep before his third surgery because of the intense pain he suffered because of the accident. His treating neurosurgeon testified to Lucas' pain before the surgery.

The defense countered that the plaintiff's long history of injuries, including war injuries from Vietnam, military service accidents and car accidents, were responsible for him needing surgery.

In light of Lucas' past injuries, the defense also questioned his allegation that he had been as active as he claimed before the accident.

Floyd said it's true Lucas had many prior injuries, but he was "doing well" before the accident and had relatives who testified to his active lifestyle.

After deliberating 25 minutes, the jury delivered a defense verdict.

Defense attorney Steven P. Kuenzel said Lucas dozed off at one point during the video depositions of expert doctors and that he believes it affected the jury's impression of him.

"This is a good example of the fact that the jury is also observing the parties during the trial and that a lack of credibility in one area can affect the entire plaintiff's case and

credibility," Kuenzel said.

Kuenzel said it's also his view that the jury believed Lucas was exaggerating his claims, especially his activity level prior to the accident.

"If they catch you exaggerating one thing, they might think you're exaggerating all kinds of things, particularly your injuries," he said.

Floyd said his client did not have a problem with credibility and said he believes the fact that Lucas moved out of St. Clair to Salem before the trial hindered his case.

"My impression is that in these rural counties, juries tend to take care of their own," he said.

He said he believes the jury was sympathetic to the defendant, who is a local schoolteacher.

— Anna Vitale

## ■ Defense jury verdict

### MOTOR VEHICLE COLLISION/PERSONAL INJURY

■ **Court:** Franklin County Circuit Court

■ **Case Number/Date:** 07AB-CC00047/Feb. 4, 2010

■ **Judge:** David B. Tobben

■ **Plaintiff's Experts:** Dr. David Crafts, St. Louis (orthopedic specialties); Roseanne Fisches, Union (chiropractor)

■ **Defendant's Expert:** Simon Horenstein, St. Louis (neurology)

■ **Last Pretrial Demand:** \$75,000

■ **Last Pretrial Offer:** \$15,000

■ **Insurer:** American Family for defendant Melody Rinne

■ **Caption:** Jule Lucas v. Melody Rinne

■ **Plaintiff's Attorney:** Walter L. Floyd, The Floyd Law Firm, St. Louis

■ **Defendant's Attorneys:** Steven P. Kuenzel and Steven P. Kuenzel Jr., Eckelkamp Kuenzel LLP, Washington