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VERDICTS & SETTLEMENTS

Bystander settles case after suffering leg injuries

Car pinned plaintiff, fracturing his fibula and tearing away his skin



Steven P. Kuenzel

\$750,000 settlement

A bystander injured in an automobile accident in a private driveway settled his personal-injury claim for \$750,000.

Allison Komis was intoxicated and asked to leave a party at her boyfriend's house in Washington, on Jan. 28, 2005. Komis was arguing with her boyfriend as she was backing her car out of his asphalt driveway when her right rear wheel went off a 6-inch lip of his driveway into the snow.

Komis tried to get her car back on the driveway and lost control. Her car struck Dale Price, a bystander to the argument, pinning his leg between the car's bumper and a 2-foot-6-inch stone wall.

Price suffered a proximal fibula fracture with a degloving injury in which his skin was peeled off his

right leg from his knee to his ankle. Steven Kuenzel, Price's Washington-based lawyer, said Price had undergone painful skin-graft surgery and has been left with a severely scarred right leg.

"The difficulty in the case was that the insurance carrier initially took the position that the actions of [Komis] were intentional, and they were denying coverage," Kuenzel said.

Kuenzel said the insurance carrier had filed a declaratory judgment action to try to get a determination that coverage was not applicable but dismissed it after deposition from Komis, Price and Komis' boyfriend that her actions were negligent and not intentional.

"Once we got over the coverage hurdle with [Komis] being intoxi-

cated and [Price] being a pedestrian there wasn't much of a defense anymore," Kuenzel said.

Kuenzel said Price had not sued the homeowner for fault in causing Komis to be intoxicated because Komis had a high umbrella policy limit, and there was "no reason to muddy the waters."

Debbie Champion, Komis' St. Louis attorney, reviewed the facts of this article but declined to comment.

— Kyle Lewis

Dale D. Price v. Allison Komis

Type of Action: Personal injury

Last Offer: N/A

Type of Injuries: Proximal fibula fracture with degloving injury

Last Demand: N/A

Court/Case Number/Date: Franklin County Circuit Court/05AB-CC00254/May 31, 2007

Attorney for Plaintiff: Steven P. Kuenzel, Eckelkamp Kuenzel, Washington, Mo.

Caption: Dale D. Price v. Allison Komis

Attorneys for Defendant: Debbie S. Champion, Rynearson, Suess, Schnurbusch & Champion, St. Louis

Judge, Jury or ADR: Mediation

Name of Judge: Brendan Ryan

Insurance Carrier: State Farm Insurance Co.

Verdict or Settlement: Settlement

Special Damages: \$104,000 medical specials; \$25,000 lost wages

Plaintiff's Expert: Dr. Richard Heimbarger, Columbia (board-certified plastic surgeon)

Allocation of Fault: N/A

Defendant's Expert: N/A