

MISSOURI LAWYERS WEEKLY

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Vs

VERDICTS & SETTLEMENTS

Pedestrian Struck And Killed On Rural Road

Defendant Said Decedent's Family Had Blocked Traffic

\$15,000 Verdict



KUENZEL

The family of Glenda Harris, 44, sued Marian Ahal for wrongful death after Harris was struck and killed by a car on Highway K in rural Franklin County on June 21, 2000.

A strange sequence of events preceded the accident. Glenda Harris' unmarried daughter, Brenda, learned she was pregnant. On hearing the news, several members of the Harris family, including Glenda, her husband and several neighbors, decided to "teach him a lesson" and set out after him in their cars.

They pulled over a car on Highway K and approached the vehicle. When they discovered it was not the boyfriend's car, they started returning to their own vehicles, which were blocking the northbound lane of the two-lane blacktop

highway.

While Glenda Harris was walking back to her car, she was hit and killed by Ahal, a stranger who was not involved in the "car posse." Ahal later admitted that she had been drinking.

The plaintiffs claimed the accident happened on the level portion of the highway and that Ahal, 38, could have taken evasive action if she had not been intoxicated.

Ahal admitted drinking but claimed the plaintiffs' vehicles were on the downhill side of a hillcrest with Harris walking in the middle of the southbound lane just below the hillcrest, giving her no time to take evasive action.

The jury assessed the plaintiffs' damages at \$300,000, but allocated 95 percent of the fault to Harris.

Type of Action: Automobile/pedestrian accident

Type of Injuries: Death

Court/Case Number/Date: Franklin County Circuit Court/00CV329218/ May 2002

Caption: Harris, et al. v. Ahal

Judge, Jury or ADR: Jury

Name of Judge: Jeff W. Schaeperkoetter

Verdict or Settlement: \$15,000 verdict (\$300,000 verdict with 95 percent fault allocated to plaintiff)

Special Damages: \$8,800 funeral expense

Allocation of Fault: 5 percent to defendant; 95 percent to decedent

Last Offer: \$10,000

Last Demand: \$100,000

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

Insurance Carrier: American Family Mutual Insurance Company

Plaintiff's Experts: None

Defendant's Experts: Stan Oglesby, Concordia (accident reconstructionist)