

PLATTE COUNTY, MISSOURI

Montell v. Richie; and Aschoff Truelsen, Inc.

Docket #: 08AE-CV00810

Judge: Abe Shafer IV Div. 1

Plaintiff's Attorney: Paul L. Redfearn and Michael D. Wallis (Redfearn Law Firm)

Defendant's Attorney: Ryan Karaim (Franke, Schultz & Mullen)

Type of Claim: Auto accident. Plaintiff, male age 56, was driving a Ford F-150 fifth-wheel pick-up truck pulling a trailer on Highway 92 in Platte County on a clear dry day. Defendant Richie, an employee of Defendant Aschoff Truelsen, was driving a Ford F-350 pick-up truck pulling a haybuster. Plaintiff claimed that Defendant Richie pulled out in front of him causing him to swerve to pass Defendant on the left. Defendant Richie then made a left turn from the highway into a driveway and into Plaintiff's path causing Defendant's vehicle to collide with Plaintiff's vehicle and forcing Plaintiff to drive off the highway and crash. Plaintiff brought suit claiming Defendant violated Plaintiff's right-of-way. Defendant claimed Plaintiff was passing in a no-passing zone and failed to stop. Defendant also questioned Plaintiff's injuries. Defendant claimed the fusion of C6-C7 had pre-existing pseudo-arthritis and claimed that Plaintiff had pre-existing degenerative arthritis at C3-C4.

Damages Alleged: Aggravation of pre-existing cervical fusion of C6-C7; ruptured disc at C3-C4 requiring surgery; both C6-C7 and C3-C4 were replaced with artificial discs; and permanent pain (\$90,000 medical expenses; and \$81,000 lost income).

Plaintiff's Experts: Kenneth Petine, M.D. (treating physician) (Loveland, CO); and Bruno Schmidt, Ph.D. (accident reconstructionist) (Springfield, MO).

Defendant's Experts: Robert F. McKinzie, Ph.D. (accident reconstructionist); and videotape deposition of Paul Arnold, M.D. (neurosurgeon).

Demand Before Trial: \$350,000.

Offer Before Trial: \$250,000.

Verdict: Plaintiff found 10% at fault; Defendant found 90% at fault. Damages evaluated at \$789,000 -- net recovery to Plaintiff \$710,100.