

JACKSON COUNTY, MISSOURI - INDEPENDENCE

Scott v. Blue Springs Ford, Inc., and Balderston

Docket #: 01CV200143

Judge: Marco Roldan

Div, 16

Plaintiff's Attorney: Bernard E. Brown (Brown Law Finn); and Dale K. Irwin (Slough, Connealy, Irwin & Madden)

Defendant's Attorney (Blue Springs Ford): Larry J. Tri (Tri, Bogdan & Bollard); and William L. Can Defendant's Attorney (Balderston): James R. Hobbs and Marilyn B. Keller (Wyrsh, Hobbs & Mirakian)

Type of Claim: Violation of Missouri's Merchandising Practices Act, fraud, conversion and breach of Magnuson-Moss Warranty Act. Defendant Balderston is the owner of Blue Springs Ford. Plaintiff purchased a used car from Defendants in 1994. Plaintiff claimed Defendants sold the car as "never wrecked" and as "traded in by an older couple." The car had, in fact, been a salvage vehicle. Plaintiffs claimed Blue Springs Ford knew of the wreck damage at the time of sale and that within one week of sale the dealership was notified in writing by Ford Motor Company that the vehicle was a salvage wreck and Ford Motor Company refused to accept registration of the Plaintiffs \$1,475 extended warranty. Plaintiff further claimed that Blue Springs Ford did not inform Plaintiff of the salvage history, kept the extended warranty money, and repaired the vehicle as if the extended warranty were in effect. Defendant claimed they did not know about the title, but when they later found out about the car's history they failed to notify the Plaintiff. Defendant stated Plaintiff drove the car for six years and put 180,000 miles on the vehicle.

Damages Alleged: \$14,995 value of the vehicle, \$1,475 extended warranty; finance charges, taxes and other

charges; plus punitive damages. Declaratory and injunctive relief and attorney's fees to be addressed separately by the Court under the Missouri Merchandising Practices Act and Magnuson-Moss Warranty Act.

Plaintiff's Experts: Richard Diklich (auto expert)

(Liberty, MO). Defendant's Experts: None presented.

Demand Before Trial: Initially \$850,000 then

\$650,000. Offer Before Trial: \$200,000.

Verdict: \$865,500 for Plaintiff against Blue Springs Ford (\$25,500 actual damages; \$840,000 punitive damages).

For Defendant Balderston. Equitable and declaratory relief and attorney's fees to be determined by the Court at a later date.