

CLAY COUNTY, MISSOURI**Lininger v. Robert Scott; and Hunter Distribution, Inc.**

Docket #: 7CV105011572CC

Judge: David P. Chamberlain Div. 5

Plaintiff's Attorney: James H. Thompson Jr. (Thompson Law Office) and Mark E. Parrish (Nash &amp; Franciskato Law Firm)

Defendant's Attorney: Robert J. Luder (Long, Luder &amp; Gordon)

Type of Claim: Auto accident. Plaintiff:

Tyson Lininger,

22,

was the driver in an SUV on Indiana Street at the juncture of 152 Highway in October, 2004 at 8:30 P.M. Defendant Robert Scott, an employee of Defendant Hunter Distribution, was driving his personal pick-up truck and made a left turn into the side of Plaintiff's vehicle causing the SUV to roll at least two times. Plaintiff alleged Defendant Scott was intoxicated and fled the scene of the accident. He turned himself in the next day and admitted liability. Defendant Hunter Distribution maintained that Defendant Scott, although an employee, was on a private errand on his own time and was not liable, and that Defendant Scott fled the scene because of pre-existing anxiety and panic disorders.

**Damages Alleged**

(Lininger): Closed head injury resulting in aggravation of pre-existing seizure disorder; left wrist fracture; bruised shoulder and soft tissue injuries of the neck and back (\$59,759 past medical expenses, \$20,000 future shoulder surgery and \$683,000 future psychiatric care and medication, and \$325,000 to \$02,500 future lost income).

**Plaintiff's Experts**

(Lininger): Thomas Shriwise, M.D. (orthopedic surgeon); Ekkehard Othmar, M.D. (treating psychiatrist); Wilbur Swearingin (vocational rehabilitation); George "Brick" Johnstone, Ph.D. (neuropsychologist) (Columbia, MO); Kurt Krueger, Ph.D. (economist); and videotape deposition of Cynthia Ward, M.D. (neurologist and treating physician). (Both): Michael Hudak, D.C. (chiropractor).

Defendant's Experts: Patrick Caffrey, Ph.D. (psychologist).

Demand Before Trial:

\$700,000 for Lininger according to Plaintiff's attorney; \$1,000,000

policy limits according to Defendant's attorney.

Offer Before Trial: \$500,000

Verdict: \$678,766.92 for Plaintiff against Defendant Scott only

For Defendant Hunter Distribution.