

JACKSON COUNTY, MISSOURI - KANSAS CITY

Thuston v. Hayner; and Heartland Waterworks Supply

Docket #: 03CV211583

Judge: Charles E. Atwell Div. 10

Plaintiff's Attorney: H. William McIntosh and Steven L. Hobson (McIntosh Law Firm)

Defendant's Attorney: Michelle R. Stewart and Patrick G. Copley (Fisher, Patterson, Saylor & Smith)

Type of Claim: Auto accident. Plaintiff, male age 39, and Defendant Hayner were both travelling southbound on I-29. Defendant Hayner was an employee of Defendant Heartland Waterworks Supply. Defendant Hayner was driving a large pick-up truck which was pulling a flatbed trailer. Defendant had been talking on his cell phone and was putting it away when he drifted out of his lane into Plaintiff's lane. Defendant Hayner's trailer ran up and over the passenger side of Plaintiff's car causing Plaintiff to lose control, go into the median, become airborne and land in an embankment on the opposite side of the highway. Defendant admitted liability. The accident happened at 4:30 P.M. in good weather.

Damages Alleged: Herniated discs of cervical and lumbar spine -- not operated; spinal cord injury; torn rotator cuff -- not operated (shoulder was needed for crutches); left hip fracture with 4 surgeries to repair including hip replacement; permanent limp and total disability (\$127,000 past medical expenses; \$80,000 future medical expenses; \$375,000 past lost income; \$1,625,000 future lost income).

Plaintiff's Experts: John Ward (economist); and Michael Drieling (vocational rehabilitation).

Defendant's Experts: Edward J. Prostic, M.D.; and Steven Arkin, M.D. (neurologist).

Demand Before Trial: \$2,850,000.

Offer Before Trial: \$1,500,000 cash or \$2,100,000 in a structured settlement.

Verdict: \$6,250,000 for Plaintiff. Judge awarded additional amount of \$1,095,000 in pre-judgment interest.