

MISSOURI LAWYERS WEEKLY

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VERDICTS & SETTLEMENTS

Passenger's Car Was Broadsided

He Claimed Traffic Light Was Facing Wrong Way



Brian McChesney Craig Ortwerth

\$2.1 Million Verdict

Thomas Butler sued the City of St. Louis and several other defendants after he was injured in an automobile accident.

On March 27, 2001 Butler was a passenger in a 1998 Nissan Altima being driven south on Tower Grove Avenue by Pamela Jones. At the same time Paul Perry, an employee of Davidson & Sons Hauling, was approaching Tower Grove from eastbound Manchester in a 38,000-pound dump truck. The dump truck broadsided Jones' car on the right side, where Butler was sitting.

Both Jones and Perry claimed that they had a green light. Immediately after the crash, the investigating police officer found that the traffic signal at the southwest corner of the intersection was facing the wrong direction — it was supposed to be facing Jones as

she traveled south on Tower Grove, but instead was facing westbound traffic on Manchester. According to the defendants, an independent witness traveling behind the dump truck said the light at eastbound Manchester was green.

In his lawsuit Butler claimed that Jones and Perry were driving too fast. He also argued that the intersection was unsafe and that the City failed to take appropriate measures to warn of the dangerous condition or correct it. At trial a City traffic control technician

testified that the City knew it was a "problem intersection" because the signal had been turned the wrong way before, as recently as two weeks prior to the crash.

Butler suffered a compression fracture of the lumbar spine and a comminuted fracture of the left leg, which required multiple surgeries and physical therapy.

After a five-day trial, the jury awarded \$2.1 million in damages, allocated as follows: 52 percent to Pamela Jones; 26 percent to the City; and 22 percent to Davidson & Sons.

Facts of the case

Type of Action: Automobile accident

Type of Injuries: Comminuted fracture of left leg, compression fracture of lumbar spine

Court/Case Number/Date: St. Louis City Circuit Court/012-1272/Dec. 12, 2003

Caption: Butler v. Davidson d/b/a Davidson & Sons, et al.

Judge, Jury or ADR: Jury

Name of Judge: Lisa Van Amburg

Verdict or Settlement: \$2.1 million verdict

Special Damages: \$135,000 medical expense

Allocation of Fault: 52 percent to

Pamela Jones; 26 percent to City of St. Louis; 22 percent to Davidson & Sons

Last Demand: \$775,000

Last Offer: \$100,000 (from Davidson & Sons); \$50,000 (from City of St. Louis); \$25,000 policy limits (from Jones)

Attorney for Plaintiff: Brian S. McChesney, Craig Ortwerth, St. Louis,

Insurer: Westport Insurance Corporation (Davidson & Sons); State Farm Insurance (Pamela Jones); self-insured (City of St. Louis)

Plaintiff's Experts: Dr. Fallon Maylack, St. Louis

Defendant's Experts: Dr. Lawrence Kriegshauser, St. Louis