

procedure to treat gastroesophageal disease and hiatal hernias, that in February 2015. The suit was filed in Washington County, Arkansas. Plaintiff's attorney Erin Vorhees of Vorhees & Martucci said her client was hospitalized for 73 days and underwent a total of six surgeries to deal with hernias and to repair damage from the hernias, linear esophageal tear, respiratory failure and sepsis. Plaintiff was hospitalized for 18 months from his injuries and is unable to work. Plaintiff is dependent in his daily activities, and is unable to perform any of his previous duties. Plaintiff is representing the Arkansas and his employer did not respond to his requests for an independent expert testimony for her attorney. Plaintiff is requesting that the surgeon's documents be reviewed by a medical expert passing a dilator through esophagus — as well as the other accepted tests, including a visual inspection — as a particular "red flag" that should have led to a possible injury. Plaintiff is requesting for nine hours, the cost of the plaintiff on liability, Vorhees said, with all fees on the damages award. Plaintiff's settlement made eight hours into deliberation and was rejected by the defense with a counteroffer, Vorhees added. **MO**

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PERSONAL INJURY

- **Venue:** Clay County Circuit Court
- **Case Number/Date:** 18CY-CV06414/April 29, 2019
- **First pretrial demand:** \$13 million
- **First pretrial offer:** \$3 million
- **Insurer:** Sparta (for Euston Hardware)
- **Caption:** David W. Taylor v. Euston's Hardware Inc., d/b/a Pack's Hardware
- **Plaintiff's Attorney:** James P. Deffet, Law Offices of James P. Deffet, Smithville
- **Defendant's Attorneys:** Sean M. Sturdivan and Matthew D. Quandt, Sanders Warren Russell & Scheer, Overland Park, Kansas

BY ALAN SCHER ZAGIER
Special to Missouri Lawyers Media

A Kansas City man who fell from a rented hydraulic lift onto his driveway while painting his home settled a personal injury lawsuit against a regional hardware store for \$3 million.

David W. Taylor, 64, sued Euston's Hardware Inc. in Clay County Circuit Court in October 2018 in regard to injuries he suffered following his fall from a height of between 10 feet and 15 feet in July 2013, when he was 57.

Taylor had rented the hydraulic lift three days earlier from the company's Smithville location, known as Pack's Hardware. The

business has four locations in the two-state Kansas City metro area.

Plaintiff's attorney James P. Deffet said that the boom lift's basket broke while Taylor was perched outside the home's second floor. The force of the impact caused bilateral rib fractures, a spinal fracture, closed head injury and hip and femur fractures, Deffet said, requiring multiple surgeries.

Deffet added that his client recovered "remarkably well" given the severity of his injuries but has been unable to return to work and continues to have physical limitations. He provided records showing that a settlement agreement was reached in late April. Attorneys for the hardware store did not respond to interview requests. **MO**

■ \$2 MILLION SETTLEMENT

Survivors settle after driver crushed by shifting truck load

WRONGFUL DEATH

- **Venue:** Confidential Missouri court
- **Case Number/Date:** Confidential/April 25, 2019
- **Plaintiff's Experts:** Richard Ziemicki (Engineering), Dr. Adam Kaye (Trauma Surgeon), John Ward (Damages)
- **Defendant's Expert:** Whitney Morgan (Motor Carrier Safety)
- **Caption:** Confidential
- **Plaintiff's Attorneys:** Kip Robertson and Kelly Frickleton, Bartimus Frickleton Robertson Rader, Leawood, Kansas; A.W. Smith, A.W. Smith Law Firm, Columbia
- **Defendant's Attorney:** Confidential

company for \$2 million, according to the family's attorneys.

Kip Robertson of Bartimus Frickleton Robertson Rader said the driver was dispatched to the defendant's shipping facility to pick up a load of heavy construction equipment, which was to be transported to a highway construction site in Minnesota.

He arrived at the job site and began undoing the tie-downs that secured the load during transport. When he released the last tie-down, the load, which had become unstable, fell from the flatbed trailer and crushed him to death.

The man's wife and children filed a wrongful-death lawsuit against the shipper of the heavy equipment, alleging it

acted negligently when staging the load for transport prior to the man's arrival and in the way it loaded the shipment onto the trailer.

Robertson said the shipper claimed it was the driver's responsibility to supervise the loading of the equipment and make sure the load was stable, safe and secure at the time it left the shipper's facility. The defendant also argued that the driver failed to properly inspect the load during transport and should have realized that the load had become unstable and required additional precautions before unstrapping it.

The case settled at mediation, Robertson said. **MO**

BY SCOTT LAUCK
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The family of a truck driver who was killed on the job settled with a shipping