

## ■ \$35.1 MILLION JUDGMENT

# Injured servicemen take big judgment against driver

### MOTOR VEHICLE COLLISION

■ **Breakdown:** \$33,032,812 for Sanborn, \$1,562,489 for Lopez

■ **Venue:** Adair County Circuit Court

■ **Case Number/Date:** 12AR-CV00813/Jan. 16, 2015

■ **Judge:** Russell Ellis Steele

■ **Plaintiffs' Experts:** Larry Cox, Springfield (economist); Jan Klosterman & Associates, St. Louis (life care planning); Dr. Justin Puckett, Kirksville (physical medicine)

■ **Caption:** Howard Sanborn and Jonathan Lopez v. Nathan Worstell

■ **Plaintiffs' Attorneys:** Aaron Widel Smith, The A.W. Smith Law Firm, Columbia; Jay Benson, The Benson Law Firm, Kirksville

■ **Defendant's Attorney:** David G. Briggs, Briggs Law Firm, Kirksville

BY SCOTT LAUCK

*scott.lauck@molawyersmedia.com*

Two servicemen injured while cycling on a rural Missouri highway took a \$35 million judgment against the driver who struck them, setting up a fight with an insurance company.

On Sept. 9, 2012, Sgts. Howard Sanborn and Jonathan Lopez, members of the elite U.S. Army Golden Knights Parachute Team, were riding on the shoulder of U.S. Highway 63 north of La Plata, Missouri, when a 2000 Oldsmobile Alero driven by Nathan Worstell struck Sanborn, who then crashed into Lopez. Sanborn suffered a severed spinal cord and is permanently paraplegic.

Worstell later pleaded guilty to careless



Aaron Widel Smith

Jay Benson

and imprudent driving in Adair County Circuit Court. Sanborn and Lopez filed a personal injury suit in the same circuit.

Worstell had been driving a vehicle owned by his parents. According to A.W. Smith of The A.W. Smith Law Firm in Columbia and Jay Benson of The Benson Law Firm in Kirksville, who represented the servicemen, Worstell had non-owned

auto coverage under two operator's policies; one with Progressive, the other with United Fire & Casualty Co. Progressive paid its policy limits, but United Fire denied coverage. In a declaratory judgment later filed in federal court, which has since been dismissed, the insurer argued that the Worstells' policy didn't include the Alero.

After United Fire withdrew from the case, the matter proceeded to a bench trial in early 2015 where Judge Russell Ellis Steele entered a judgment totaling \$35,095,301 for the two plaintiffs, though he reduced the total by \$500,000 to account for a previous settlement with a different defendant. An action to recover the proceeds of the insurance policy, as well as a bad faith claim from Worstell against the insurer, is pending in St. Louis Circuit Court. 