

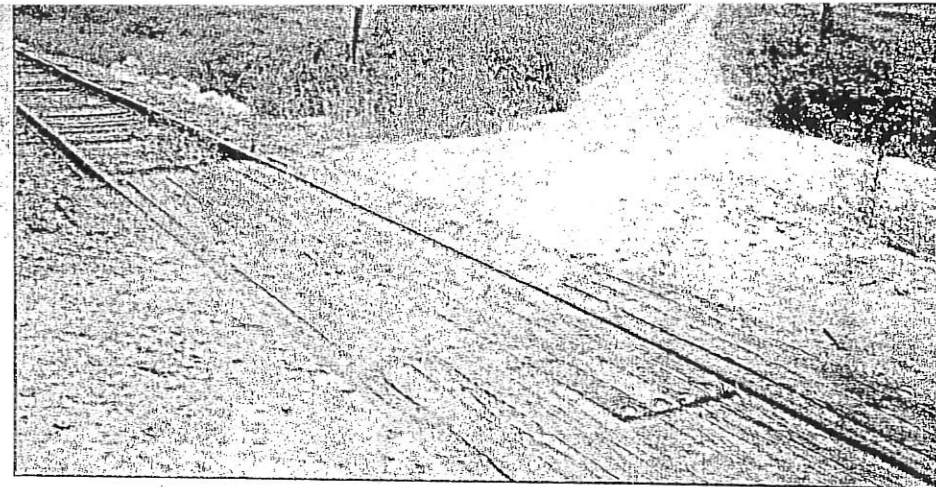
of massive head trauma.

Baker sued on behalf of her own injuries, injuries for two of her children and for the wrongful death of her daughter. The plaintiff alleged numerous counts of negligence against Union Pacific. She claimed that the crew of the locomotive failed to sound their horn prior to the crossing in violation of Union Pacific standards and state and federal law.

The plaintiff also argued that the sight lines at the grade crossing were severely obstructed by excessive vegetation and rail cars stored too close to the crossing in violation of Union Pacific standards and Missouri law.

Discovery revealed that the crew of the

Plaintiff's Experts: Dr. Ken Heathington (Accident Reconstruction), Jimmy Scott (Train Operations), Alan Blackwell (Railroad Policy & Procedure), Harvey Levine (Railroad economist), Ray Frogge (Surveyor), Gary Huett (photogrammetry), Dr. Bernard Pettingill (Economist), Dr. Robert Voogt (Life Care Planner), Dr. Wayne Stillings (Neuropsychologist), Dr. Michael Maurizi (Psychologist), Dr. Garth Russell (Orthopedic Surgeon), Dr. Janet Farmer (Pediatric Neuropsychologist), Dr. William Stiers (Neuropsychologist), Dr. Stephanie Reid-Arndt (Neuropsychologist), Dr. John Oro (Neurosurgeon)



## Parents of man killed in trucking accident settle case

### Trucking company admitted liability

#### \$1.5 million settlement



SMITH

Greg Mills, a 27 year old resident of Seneca, Mo., was killed on Dec. 4, 2003 when the automobile he was driving was hit by another motorist in a head on collision.

The crash occurred on Missouri highway 71 in McDonald County, about 8 miles south of Pineville. According to the Missouri Highway Patrol, truck driver Anthony Loveland was driving southbound on the two-lane highway for Dampier and Daughters. The combined trailer weight was 79,000 lbs.

Loveland was following traffic ahead of him too closely through a congested construction zone. As Loveland approached an intersection where traffic had suddenly stopped, his tractor-trailer rear-ended another motorist, pushing the vehicle into the northbound lane where it collided head on with Mill's vehicle.

Gouge and tire marks on the roadway evidencing the point of impact for this crash suggested that no other motorist besides Loveland could have avoided this accident.

Mills sustained severe injuries and died within a matter of minutes at the scene.

Dean and Dianna Mills, Greg's parents, filed a wrongful death suits on Jan. 5, 2004 against the trucking company. There were no other Class I beneficiaries and no economic losses.

Over the next several months the parties litigated liability. On Dec. 22, 2004, the trucking company amended its answer and admitted liability for its driver's negligence. A settlement agreement was finally reached on April 26, 2005, six days before trial.

The wrongful death settlement was approved on May 2, 2005 and the court apportioned the proceeds 50 percent to each parent plaintiff.

**Type of Action:** Wrongful Death

**Type of Injuries:** Death

**Court/Case Number/Date:** Jackson County Circuit Court/04CV200059/ April 4, 2005

**Caption:** Mills, et al. v. Dampier d/b/a Dampier and Daughters

**Judge, Jury or ADR:** settlement

**Name of Judge:** Stephen Nixon

**Verdict or Settlement:** Settlement

**Special Damages:** N/A

**Allocation of fault:** 100 percent to defendant

**Last offer:** N/A

**Last demand:** N/A

**Attorney for Plaintiff:** Aaron W. Smith, The Hersheve Law Firm, P.C. Joplin

**Insurer:** Northland Insurance

**Plaintiff's Experts:** Richard Ziernicki, Englewood, Colo. (accident reconstruction); Matthew Meyerhoff, Phoenix, Ariz. (trucking expert)

**Defendant's Experts:** not disclosed at time of settlement

Send Us Your  
Verdicts &  
Settlements

To send in your report online, go to our award-winning web page at [www.molawyersweekly.com](http://www.molawyersweekly.com) and click "Submit Verdicts" — you'll get a form for filling in the relevant information. Then click "Submit" to send us your report. Or fax your report to (314) 621-1913.