



# VERDICTS & SETTLEMENTS

## Woman Died In Head-On Collision Other Driver Was Also Killed

### \$950,000 Settlement

The family of a 36-year-old woman who was killed in a head-on collision sued the estate of the other driver.

On Nov. 14, 2003, Rhonda Martin was driving her Toyota Corolla south on Highway 43 in Jasper County. The road was wet due to



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rainfall earlier in the day. At the same time, John Harris was northbound on Highway 43 in a Ford Explorer. As he came upon a slight curve in the road, Harris crossed the centerline and hit Martin's Corolla and fire marks showed that Martin tried to avoid the Explorer. Martin was killed instantly and

Harris died later at the hospital. A wrongful death suit was filed by Martin's mother and her 8-year-old daughter against the defendant adult-tern for Harris. One issue in the litigation was insurance coverage — Harris was a partner in a farming partnership with his son, and the named insured was John and Michael Harris. There was conflicting evidence as to whether a partnership existed or if it actually was a family farming operation. In addition, the parties contested whether John Harris was on a partnership errand at the time of the accident.

The parties eventually settled for \$950,000, \$850,000 to the daughter and \$100,000 to the mother.

**Type of Action:** Automobile accident

**Type of Injuries:** Death

**Court/Case No./Date:** Jasper County Circuit Court/03CV685609/Sept. 16,

2004.

**Caption:** Brackett, et al v. Harris

**Judge, Jury or ADR:** Jury

**Name of Judge:** Jon A. Dermott

**Special Damages:** None

**Verdict or Settlement:** \$950,000 settlement

**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorney for Plaintiffs:** Aaron W. Smith,

**Insurance Carrier:** Farm Bureau

**Plaintiffs' Experts:** William Havens

Joseph (neuropsychologist), Kurt

Krueger, Kansas City (economist),

John Ward, Kansas City (economist)

**Defendant's Experts:** Not disclosed