

# Judge rules against off-road racing park

*Man hurt posing for photo wins after jurisdiction appeal*

BY KELLY WIESE  
kelly.wiese@molawyersmedia.com

A man injured when an off-road vehicle crashed into a group posing for a photo won more than \$4 million bench verdict in Jasper County.

Joel Fulton sued The Bunker Extreme, which operates as D-Day Adventure Park, in 2010, following the collision.

Fulton was hurt when he was struck during a bike and jeep rally the defendants held on their property in Ottawa County, Okla., according to an appellate court ruling that sent the case back to Jasper County Circuit Court.

Plaintiffs' attorney Aaron Smith, of the A.W. Smith Law Firm in Columbia, didn't return phone and email messages seeking comment by deadline.

His firm website offers a brief description of the case, including the detail that the vehicle struck a group of pedestrians taking a photo.

Fulton, 38, suffered a crushed pelvis and other injuries that still affect him, Smith said on the website. The man was hospi-

talized for days and eventually returned home, where his family cared for him for three months before he could walk again, according to Smith's case description.

Fulton used to work on heating and air conditioning systems, but he can't anymore, explained attorney Scott Vorhees, the plaintiffs' co-counsel.

After Fulton and his wife, Angela, sued for injuries and loss of consortium, alleging negligence, the defendants challenged the suit, arguing Missouri courts lacked jurisdiction over them. Circuit Judge David Mouton agreed and dismissed the case.

But the Missouri Court of Appeals Southern District last summer reversed that ruling and sent the case back. The appellate court, in an opinion written by Judge Jeffrey Bates, found that because defendant Dewayne Convors, also a registered agent of the business entities, was personally found and served in Seneca, the state's courts have jurisdiction over him.

The Fultons, who reside in Joplin, also argued that the companies do business and market in Missouri, and the court said that was sufficient to survive a motion to

## ■ \$4.2 million bench verdict

### MOTOR VEHICLE COLLISION

■ **Breakdown:** \$1,926,000 for Joel Fulton's economic losses; \$2 million for Joel Fulton's noneconomic losses; \$50,000 for Angela Fulton's economic losses; and \$250,000 for noneconomic losses in the consortium.

■ **Venue:** Jasper County Circuit Court

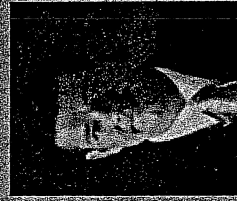
■ **Case Number/Date:** 10AO-C00007-01/March 7, 2012

■ **Judge:** David B. Mouton

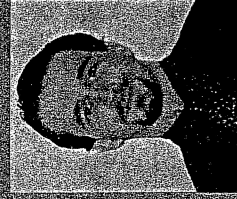
■ **Plaintiffs' Expert:** Dr. Brian Murphy, Joplin (emergency and internal medicine)

■ **Insurer:** Lexington Insurance Co.

■ **Caption:** Joel D. Fulton and Angela D. Fulton v. The Bunker Extreme Inc. and The Bunker Inc., both of D-Day Adventure Park, and Dewayne A. Convors



Aaron Smith



Scott Vorhees

■ **Plaintiffs' Attorneys:** Aaron Smith/AW Smith Firm, Columbia; Scott Vorhees, Joplin; (for Mouton), Joplin

■ **Defendants' Attorney:** John A. Nicholas/H. Nicholas, Carriage

SEARCH ONLINE AT [HTTP://VERDICTS.MOLAWYERSMEDIA.COM](http://VERDICTS.MOLAWYERSMEDIA.COM)

dismiss.

Mouton held a bench trial in March and entered a \$4.2 million verdict for the Fultons.

Vorhees, of Johnson, Vorhees & Martucci in Joplin, said there were allegations that the vehicle driver was drunk at the time. He also said the next battle is to try to collect on the judgment. The plain-

tiffs believe there is insurance coverage available, he said. He referred questions to settlement negotiations and other such as claims against the driver to Defense attorney John Nicholas. Nicholas declined to comment on the case first obtaining permission from his firm. He said he'd check but didn't call press time. **AW**