

Family settles claim for \$2.25M for man killed while mowing

By: Scott Lauck scott.lauck@molawyersmedia.com October 24, 2019

The family of a man fatally struck by a truck while mowing next to a road settled for a total of \$2.25 million from multiple insurance sources, according to the survivors' attorney.

AW Smith of The AW Smith Law Firm in Columbia said the accident in mid-July 2018 involved a 16-year-old defendant who was driving northbound on a rural Missouri highway near an intersection with a county road. As he approached the intersection, another northbound vehicle came to a stop in front of him where a man had just pulled his riding lawnmower from the ditch next to the roadway.

The defendant was unable to stop, and instead of hitting the other northbound vehicle he swerved to the right onto the shoulder, striking the man.

Smith said the man remained conscious for the next 30 minutes and died as the helicopter arrived. The decedent, 41, left behind a wife and two minor daughters.

The defendant told law enforcement that the vehicle in front of him had stopped quickly and that his brakes had suddenly failed. Law enforcement found the brakes on the defendant's vehicle were substantially worn. Smith said the driver was cited for careless and imprudent driving.

Smith said the plaintiffs were able to reach settlements of \$100,000 and \$25,000 with two other motorists who had stopped their vehicles near the intersection to help pull the lawnmower from the ditch. The plaintiffs also recovered \$75,000 in uninsured coverage for the phantom vehicle that allegedly took off after triggering the accident.

The plaintiffs also recovered \$50,000 from a policy issued to the teenager's mother that arguably covered the operation of the truck or the mother's liability for allowing the teenager to drive a defective vehicle. The insurer paid the full policy, despite an exclusion that appeared to limit coverage to the \$25,000 mandatory minimum, Smith said.

Smith said the same carrier issued the teen driver's \$25,000 policy. After rejecting two offers to settle the wrongful-death claim for the policy limit, the carrier agreed during mediation to pay \$2 million to settle the claim against the teenager.

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Venue: Pettis County Circuit Court

Plaintiffs' Experts: Stan Oglesby, Concordia (accident reconstruction); Chris Harte, Lenexa, Kansas (mechanical engineer); John Ward, Prairie Village, Kansas (economist)

Case Number/Date: Confidential/July 23, 2019

Plaintiffs' Attorney: AW Smith, The AW Smith Law Firm, Columbia

Defendant's Attorney: Confidential