

## Couple wins in suit against drunken driver

A judge awarded more than \$1.1 million to a Moniteau County couple who sued for injuries from a car accident with a drunken driver.

The judgment was rendered in Miller County Circuit Court more than three years after the suit was filed in 2008.

According to the lawsuit filed by Clarence and Mary Wood, Clarence Wood was driving his pickup truck westbound on U.S. 50 near California shortly after 6 p.m. on Jan. 29, 2008, when he was hit head-on by Huey Crocker's pickup truck, which had swerved into the westbound lane. The lawsuit alleged Crocker was impaired from drinking an excessive amount of alcohol before getting into his truck.

Wood incurred large medical expenses because of the accident and his "massive body trauma, body disfigurement, and permanent injuries" resulted in a significant loss of income, further increasing his financial hardship, according to the suit. Wood suffered a shattered pelvis and an injured knee in the crash. Wood and his wife sought compensatory and punitive damages, along with prejudgment interest. Mary Wood

sued for loss of consortium.

In their answer, the defense denied that Crocker had been drinking and argued that Clarence Wood was responsible for his injuries because, among other factors, he was not wearing his seat belt, was speeding and was driving in the wrong lane. The defense further claimed Crocker had lost control of his vehicle due to road debris from a third vehicle hitting his pickup.

Crocker was later convicted of driving while intoxicated resulting in injury and received a five-year suspended sentence.

Before the civil case went to trial, the parties went through mediation and entered into an agreement whereby the Woods received \$100,000 in insurance proceeds, \$75,000 in cash and a 150-acre farm in Moniteau County owned by the defendant. Plaintiffs' attorney Aaron W. Smith estimated the farm's value at \$240,000. In exchange, they accepted a limit on the damages they could collect if they won a judgment against Crocker.

After a year and a half of hearings in Miller County Circuit Court, Judge G. Stanley Moore in July entered judgment for

### ■ \$1.1 million bench verdict

#### MOTOR VEHICLE COLLISION

■ **Court:** Miller County Circuit Court

■ **Case Number/Date:** 08ML-CC00055/July 21, 2011

■ **Judge:** G. Stanley Moore

■ **Plaintiffs' Expert:** Allen Hines, Springfield (accident reconstruction)

■ **Special Damages:** Medical charges: \$237,447 billed; \$114,119 paid; lost wages of about \$40,000

■ **Insurer:** American Family Insurance

■ **Caption:** Clarence Everett Wood and Mary Wood v. Huey E. Crocker



Aaron W. Smith

■ **Plaintiffs' Attorney:** Aaron W. Smith, The A.W. Smith Law Firm, Columbia

■ **Defendant's Attorneys:** Lanette Gooch and Mark Comley, Newman, Comley & Ruth, Jefferson City

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

the Woods of \$1,124,119. Because of the limits imposed by the pretrial agreement, the Woods hope to collect the balance of the judgment from Crocker's insurance company, American Family Insurance, or its agents.

"That was the risk in making this deal," said Smith, of Columbia's A.W. Smith Law Firm, "but we wouldn't have done it unless

we thought there was a possibility of recovering some excess money."

The defendant's attorney, Mark Comley, of Jefferson City's Newman, Comley & Ruth law firm, declined to explain why Crocker entered into the pretrial agreement but did say such agreements are "not as uncommon as one might think."

— Joe Yerardi