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WEEKLY

Injured motorist umbrella claim nets settlement

BY MELISSA MEINZER
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An injured motorist nearly doubled an insurance policy's offered maximum coverage at mediation. Her attorneys successfully made the case that the driver who hit her was covered by an additional umbrella policy.

In March, Christine K. Burns failed to yield the right of way driving on Zumbahl Road in St. Charles County and hit Jean Benne's car, causing Benne significant injuries. Benne was hospitalized for six weeks and had multiple surgeries on her right leg, according to court documents.

She has needed to use a wheelchair and had to have knee replacement, ac-

ording to her complaint. Care for her injuries cost more than \$900,000, the complaint said, and she will require continuing care.

"The most unique aspect of the case was that there had been a liability policy for \$500,000, which was offered, but there was an umbrella policy which the carrier had refused to pay out of," Thomas K. Neill of Gray, Ritter & Graham, one of Benne's attorneys, said in a telephone interview.

Neill said that the carrier, State Farm, initially refused to pay out of the umbrella policy because it was in the fictitious name of Burns' husband, used for his business purposes.

"The umbrella was going to cover

whatever damages it was required to, but only after the liability policy was exhausted," Neill said.

Cheryl A. Callis, of Kortenhof McGlynn & Burns, who represented Burns, did not return calls seeking comment on the case.

The parties settled the case at mediation with former Judge Ellsworth Cundiff on Dec. 7, 2012, dismissing the case with prejudice.

"There was some compromise on both sides to get it done," said Neill. "I think when the mediator is telling the client that they are going to be hard-pressed to get a better result in St. Charles County, you've probably gotten a good result for them." **MO**

\$925,000 Settlement

PERSONAL INJURY VEHICULAR

■ **Venue:** St. Charles County Circuit Court

■ **Case Number/Date:** 211-CC00155/Dec. 7, 2012

■ **Mediator:** Judge Ellsworth Cundiff

■ **Insurer:** State Farm

■ **Caption:** Jean Benne v. Christine K. Burns

■ **Plaintiffs' Attorneys:** Christopher B. Graville, The Graville Law Firm, Chesterfield; Thomas K. Neill, Gray, Ritter & Graham, St. Louis

■ **Defendants' Attorney:** Cheryl A. Callis, Kortenhof McGlynn & Burns, St. Louis