

MISSOURI LAWYERS WEEKLY

Woman Died From Injuries Suffered in Accident

Truck Driver Said He Could Not Avoid Six-Car Wreck



Joan M. Lockwood

\$3.6 Million Settlement

The three adult children of Edna Murray brought a wrongful death lawsuit after Murray was killed in a July 2000 automobile accident. She was riding in a car that was struck by a tractor-trailer truck owned by A.J. Metler Hauling & Rigging, Inc. The plaintiffs sued A.J. Metler; Russell Moore, a truck driver who worked for A.J. Metler; Jerose Baldwin, another truck driver who worked for James Helwig and Son; and Safeco Insurance Company, the Murray's uninsured carrier.

The accident happened af-

ter an uninsured motorist stopped her car in the left lane of Interstate 270 in St. Louis County due to a flat tire. Truck driver Baldwin swerved from the far left lane into the center lane, causing traffic to slow and stop. Truck driver Moore then swerved into the center lane to avoid the motorist and caused a six-vehicle collision. He claimed he was unable to avoid the traffic that had suddenly slowed.

In the crash Murray, 62, suffered a neck fracture resulting in quadriplegia, kidney failure and neurogenic shock, which later caused her death.

The plaintiffs presented evidence through a reconstruction expert that Moore was speeding and failed to keep a careful lookout. They claimed he could have avoided the accident. The plaintiffs also presented evidence that Moore was recovering from eye surgery at the time.

Moore claimed he was unable to stop in time to avoid the accident.

Moore and A.J. Metler company settled after mediation for \$3.6 million. The case is continuing against Baldwin, James Helwig and Son and Safeco.

Facts of the Case

Type of Action: Automobile/trucking accident

Type of Injuries: Death

Court/Case Number/Date: St. Louis City Circuit Court/002-08530/August 2002

Caption: Murray, et al. v. A.J. Metler Hauling & Rigging, Inc., et al.

Judge, Jury or ADR: Mediation

Name of Judge: Not assigned

Verdict or Settlement: \$3.6 million settlement

Special Damages: \$300,000 medical expense

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiff: Stephen R. Woodley and Joan M. Lockwood, Gray, Ritter & Graham, St. Louis

Insurance Carrier: Greenwich Insurance Company, Lexington Insurance (excess umbrella policy)

Plaintiff's Experts: N/A

Defendant's Experts: N/A