

MISSOURI LAWYERS WEEKLY

Drunk Driver Hit Car Head-On

Passenger made UM Claim



Joan M. Lockwood

\$500,000 Verdict

A passenger who suffered emotional injuries from a drunk driving accident that killed his father has won \$500,000 in his uninsured motorist case against the insurance carrier.

On Nov. 8, 1998, William Brown Jr. was a passenger in a pickup truck being driven by his father on US 67 in St. Francois County. A drunk driver crossed the center lane and hit the Brown's pickup truck head-on. The collision killed his father and caused Brown to suffer se-

vere emotional injuries.

The drunk driver was uninsured. The father's insurance carrier, Allstate Insurance Company, paid the uninsured motorist policy limits on the father's death claim prior to trial.

Brown made a claim for his injuries, which included post-traumatic stress disorder, depression, cognitive dysfunction NOS, and a herniated cervical disk — for which he did not receive medical treatment. Brown had preexisting PTSD resulting from physical and sexual abuse

by his mother. He had also struggled with a learning disability prior to the collision.

Allstate disputed the severity and extent of Brown's injuries. Allstate further argued that his emotional problems were preexisting and not caused by the accident.

After a three-day trial and 20 minutes of deliberation, the jury returned a unanimous verdict in favor of Brown, awarding him \$500,000. The judgment was reduced to \$375,000 pursuant to a high-low settlement reached prior to trial.

Facts of the Case

Type of Action: Automobile accident — uninsured motorist

Type of Injuries: Post-traumatic stress disorder, cognitive dysfunction, depression

Court/Case Number/Date: St. Louis City Circuit Court/022-9994/Nov. 3, 2004

Caption: Brown v. Allstate Insurance Company

Judge, Jury or ADR: Jury

Name of Judge: Philip D. Heagney

Verdict or Settlement: \$500,000 verdict

Special Damages: \$20,000 medical expenses

Allocation of Fault: N/A

Last Offer: \$250,000

Last Demand: \$375,000

Attorney for Plaintiff: Joan M. Lockwood, Gray, Ritter & Graham PC, St. Louis

Insurance Carrier: Allstate Insurance Company

Plaintiff's Expert: Dr. Jule Miller, St. Louis (psychiatrist); Dr. Richard Wetzel, St. Louis (neuropsychiatrist); John Yunker, St. Louis (psychologist)

Defendant's Experts: None