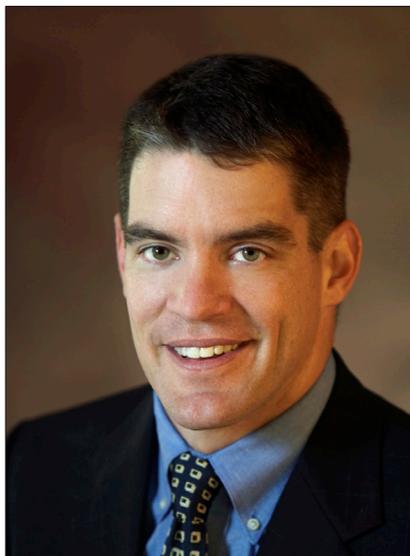


Missouri Lawyers WEEKLY

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Family of woman killed at train crossing settles



Morry S. Cole

BY ALAN SCHER ZAGIER
Special to Missouri Lawyers Weekly

The family of a Missouri woman killed when a train struck the car she was driving at a railroad crossing has settled a claim against the property owner and other defendants for \$6 million.

Plaintiff’s attorney Morry S. Cole, of St. Louis, said the settlement was reached in February, but the confidentiality agreement precludes him from disclosing the defendants’ identity and the names of opposing counsel, as well as the victim’s name and the jurisdiction where the accident occurred.

Cole said the crossing was thought to be a public site but was instead a private grade crossing established by written agreement more than 50 years ago. He argued that

while ownership of both the tracks and the crossing itself had subsequently changed, the agreements remained binding.

Cole said the owners failed in their requirement to install a gate at the crossing. His opposing counsel said the driver was negligent in pulling in front of an approaching train, Cole said. He said the rail company’s counsel asked not to be contacted by Missouri Lawyers Weekly for this article.

Kansas City attorney David Rismiller, who assisted in the structured settlement, confirmed the settlement details.

In addition to the seven-figure settlement, two of the defendants agreed to permanently close or abandon the grade crossing, Cole added.

“We were able to not just resolve a case, but also eliminate a proven safety threat,” he said. **MO**

\$6 Million settlement

WRONGFUL DEATH

■ **Court:** Confidential

■ **Case Number/Date:** Confidential /Feb. 28, 2013

■ **Mediator:** Elsworth Cundiff

■ **Plaintiffs’ Experts:** James R. Loumiet, Independence (railroad crossings); Robert E. “Jay” Marsh, Little Rock, Ark. (economics)

■ **Caption:** Confidential vs. Confidential

■ **Plaintiffs’ Attorneys:** Morry S. Cole, Gray, Ritter & Graham, St. Louis

■ **Defendants’ Attorney:** Confidential