

# MISSOURI LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Drivers, lawn-care company settle negligence, injury suit

*Case addressed whether defendant was acting in scope of employment*



Quint Shafer

#### \$425,000 settlement

Connie and Floyd Webb's negligence and personal injury claim arose out of a morning automobile crash March 28, 2005, on state Highway 92 in Platte County. Plaintiffs' attorney Quint Shafer, of Shafer Law Office in Weston, said Connie Webb was waiting for oncoming traffic to pass, so she could make a left turn into a private drive when she was rear-ended by a 2002 Ford F-350 operated by the defendant driver. Connie Webb sustained significant injuries requiring hospitalization for more than 10 days.

The defendant company, Champion Lawncare, argued that the defendant driver, Mary Anne Farao, owned the truck she was operating when the accident occurred and was merely driving to work for another employer on the day of the accident. Therefore, a critical issue in the case was whether Farao was acting in the course and scope of her employment with the defendant company, Shafer said.

The Webbs presented one accident-scene witness who indicated that the truck operated by the defendant driver was transporting a snow blade. Champion Lawncare lat-

er disclosed that it did own two snow blades used for the company's snow removal business.

Another witness presented by the plaintiffs indicated the defendant driver made statements immediately after the accident that she was taking the truck in for service that day.

Shafer said both witness statements conflicted with the defendant driver's deposition testimony, in which she denied having a snow blade on the vehicle at the time and taking the truck in for any repairs or servicing. Farao admitted she was the president of the defendant company, was on its board of directors and performed work for it on a regular basis. Further, Farao admitted that the mowing season for Champion Lawncare officially began on the

date of the accident, and the truck she was operating was used for company business from time to time.

Mary Anne Farao paid \$50,000 of the settlement. Champion Lawncare paid \$375,000.

— Will Connagha



The March 2005 crash in Platte County sent plaintiff Connie Webb to the hospital for more than 10 days.

### Webb v. Champion Lawncare

**Type of Action:** Negligence/personal injury

**Type of Injuries:** occipital fracture, facial laceration (permanent scarring), broken ribs, fractured pelvis, fractured and lacerated hand (dominant).

**Court/Case Number/Date:** Platte County Circuit Court/06AE-CV00170/Aug. 15, 2007

**Judge, Jury or ADR:** ADR with retired Judge Robert G. Russell acting as mediator

**Judge:** Owens Lee Hull Jr.

**Special Damages:** \$121,000 (This amount was subject to an Employee Retirement Income Security Act lien that was later reduced to \$64,000.)

**Verdict or Settlement:** \$425,000 settlement

**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorney for Plaintiffs:** Quint Shafer, Shafer Law Office, Weston

**Attorneys for Defense:** Keith Schieber, Ferguson & Schieber, St. Joseph, for Champion Lawncare; Terry Evans, Andereck, Evans, Milne, Widger & Johnson, Smithville, for driver Mary Anne Farao

**Insurance carrier:** American Family Insurance Group

**Plaintiff's experts:** N/A

**Defendant's experts:** N/A