

Missouri Lawyers

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WEEKLY

Paraplegic settles case over city bus collision

Man was a passenger in SUV that crossed centerline



Matthew B. Woods

BY NANCY HULL RIGDON
Special to Missouri Lawyers Weekly

A man who became a paraplegic due to injuries he suffered in a vehicle collision received a more than \$5 million settlement, his attorney said.

Nicholas J. Hanson was a passenger in a sport utility vehicle driven by Taussa Roney during a Jan. 25, 2010, collision. Roney was traveling northbound on County Highway 15 near South Holford Drive in Quincy, Ill., when the SUV crossed the centerline into the lane of an oncoming Quincy city bus, according to Hanson's lawsuit, and the vehicles collided. Roney argued the road was slick and that, when the vehicle in front of her began braking, she lost control, steering into oncoming traffic.

Hanson, a Ralls County resident, sued Roney, the city of Quincy and bus driver Becky Dawson in Illinois' Adams County Circuit Court. Matthew B. Woods, of Eng & Woods in Columbia, Mo., represented him.

Hanson alleged he suffered back, spine and shoulder injuries resulting in paraplegia.

Hanson received a \$4 million settlement from Dawson and the city of Quincy, said Woods and the attorney representing the city and Dawson, James Palmer, of Scholz, Loos, Palmer, Siebers and Duesterhaus. Everest Insurance Co. paid \$3.2 million and Selective Insurance Group paid \$800,000, they said.

Woods said Roney settled for \$50,000, paid by American Family Insurance; Hanson's insurer, Nationwide Mutual Insurance Co., paid \$1 million in underinsurance; and Progressive Insurance, another insurer for Hanson, paid \$100,000 in underinsurance and \$100,000 in uninsurance.

Woods said that with the exception of Everest Insurance, all payments reflected insurance companies' policy limits. The Everest policy limits were \$9 million, Woods said.

Woods said Hanson incurred \$991,000 in medical expenses, estimated Hanson's future lost wages at \$1.7 million and alleged \$6 million to \$9 million in future medical costs.

"My client was dramatically injured in this case, and I think that affected the settlements," Woods said.

Palmer, the city's attorney, said an Illinois statute known as the "1 percent rule" weighed heavily on the city's decision to settle. Under that law, if the city was found at least 1 percent at fault in the case, it would have been liable for all of Hanson's past and future medical expenses, he said.

"The city had to protect its assets," Palmer said. "Had we not had the 1 percent rule, we would have tried and won this case."

Chicago attorney Ellen K. Emery represented Selective and Everest insurance companies. Attorney Kent R. Schnack, of Quincy, represented Roney. Neither attorney responded to requests seeking comment by press time.

Dawson claimed the collision was unavoidable because she had less than 1.6 seconds to react to the oncoming vehicle in her lane, Woods said. Bus video footage supported the argument, Woods said. However, Woods argued Dawson was driving too fast for conditions and violated federal safety regulations by not wearing her contact lenses and failing to update her driver's license. Dawson and the city argued the city was not subject to those federal regulations. **MO**

OUT-OF-STATE
■ \$5.25 million settlement

MOTOR VEHICLE COLLISION

■ **Venue:** Adams County, Ill., Circuit Court

■ **Case Number/Date:** 10-L-16/Feb. 15, 2012

■ **Plaintiff's Experts:** John Glennon, Overland Park, Kan. (accident reconstruction); Jan Klosterman, St. Louis (life care planning); James Israel, St. Louis (vocational rehabilitation); Dr. Garth Russell, Columbia (orthopedics); Karen Tabek, St. Louis (damages)

■ **Special Damages:** Alleged: \$991,000 in past medical expenses; \$6 million to \$9 million in future medical care; \$1.7 million in future lost wages

■ **Insurers:** Selective Insurance Group and Everest Insurance Co. for Becky Dawson and city of Quincy; American Family Insurance for Taussa Roney; Progressive Insurance Co. and Nationwide Mutual Insurance Co. for Nicholas Hanson

■ **Caption:** Nicholas J. Hanson v. Taussa M. Roney, City of Quincy, Illinois, and Becky Dawson

■ **Plaintiff's Attorneys:** Matthew B. Woods, Eng & Woods, Columbia; James A. Hansen, Schmiedskamp, Robertson, Neu & Mitchell, Quincy, Ill.

■ **Defendants' Attorneys:** James Palmer, Scholz, Loos, Palmer, Siebers and Duesterhaus, Quincy, Ill., for Quincy and Dawson; Ellen K. Emery, Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, Chicago, for Selective Insurance Co. and Everest Insurance Co.; Kent R. Schnack, Schnack Law Offices, Quincy, Ill., for Roney

“My client was dramatically injured in this case, and I think that affected the settlements,”

Matthew B. Woods, plaintiff's attorney