

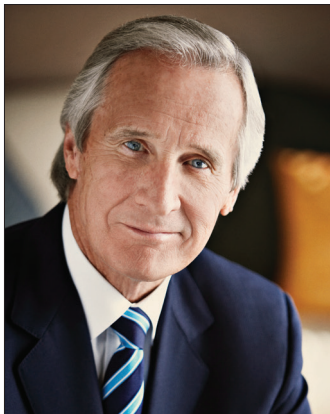
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WEEKLY

Cyclist struck wins Boone County jury verdict

Plaintiff found 75 percent at fault for collision causing leg amputation



Donald L. Schlappizzi

BY MO LAWYERS WEEKLY STAFF

After 10 hours of deliberation, a Boone County jury returned a \$1.8 million verdict for a 19-year-old cyclist who needed a partial leg amputation after being struck by a car and utility truck. But the jury found the cyclist 75 percent at fault, reducing her award to \$450,000.

Krysten Chambrot was crossing College Avenue eastbound in a crosswalk at Rollins Avenue in Columbia about 3:30 p.m. Aug. 18, 2005. Judy Pope, 54, was driving a 2002 Mazda Miata northbound on Rollins Avenue when she struck Chambrot.

The impact catapulted Chambrot in front of a northbound Columbia utility truck driven by Michael Arens. The truck ran over Chambrot and dragged her 60 feet, virtually severing her left leg and severely injuring her right leg. Her left leg

had to be amputated above the knee.

The Missouri Highways and Transportation Commission, a defendant in the case, maintains the electric signal controlling the intersection because Rollins Avenue is a state highway. A central issue involved determining who had a red light.

Chambrot conceded the light was red in her direction at the time of the collision. She said she

began crossing College Avenue late in the green phase and that the light turned red against her before she was able to clear the last lane of the five-lane road.

The defendants, supported by some eyewitness accounts, claimed that Chambrot began to cross when her light was already red.

Before trial, the plaintiff demanded \$2.75 million. The only offer before the six-day trial

was for Pope's \$50,000 coverage through Farmers Insurance Group, said defense attorney Jeffrey Parshall, of Ford, Parshall & Baker in Columbia.

The jury ultimately assessed 75 percent fault against Chambrot, 13 percent against Columbia and Arens and 12 percent against Pope. The jury returned a defense verdict for the Missouri Highways and Transportation Commission.

\$1.8M Jury Verdict, reduced to \$450,000

PERSONAL INJURY

■ **Court:** Boone County Circuit Court

■ **Case Number/Date:** 05BA-CV03471/Oct. 27, 2008

■ **Judge:** Douglas Long

■ **Plaintiffs' Experts:** Dr. Joseph Burris, Columbia (rehabilitation); Dr. Matthew Concannon, Columbia (plastic surgeon); Ronald Hensen, Boulder, Colo. (signal engineer); Michael McCort, Boulder, Colo. (accident reconstruction)

■ **Defendants' Experts:** Cleve Bare, Phoenix (accident reconstruction); Nicole Hood, Jefferson City (signal engineer); James L. Pline, Boise, Idaho (accident reconstruction)

■ **Special Damages:** \$338,000 past medical expenses; \$300,000 to \$400,000 for future medical expenses

■ **Allocation of Fault:** 75 percent to plaintiff; 13 percent to Columbia and Arens; 12 percent to Pope

■ **Last Pretrial Demand:** \$2.75 million

■ **Last Pretrial Offer:** \$50,000 from Pope

■ **Insurance Carrier:** Farmers Insurance Group for Pope; self-insured for Columbia, Arens and Missouri Highways and Transportation Commission

■ **Caption:** Krysten Chambrot v. City of Columbia, Michael Arens, Judy Pope and Missouri Highways and Transportation Commission

■ **Plaintiffs' Attorneys:** Donald L. Schlappizzi, St. Louis

■ **Defendants' Attorney:** Jeffrey Parshall, Ford, Parshall & Baker, Columbia; James Morrow, Morrow, Willnauer & Klosterman, Kansas City; Zachary Cartwright, Missouri Department of Transportation, Jefferson City