

# Missouri Lawyers

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## WEEKLY

## Jury awards \$150,000 in wrongful death case

*Plaintiff's recovery limited by bankruptcy action*



**Craig Schlappizzi**

BY ANNA VITALE  
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A Rolla woman whose husband was killed at an intersection outside the city received a \$150,000 jury verdict in Phelps County Circuit Court.

In February 2004, Shahla Keyvan was in the car with

her husband, Majdi Najm, northbound on Route 63 on the way to Columbia, said her attorney, Craig Schlappizzi, of Schlappizzi Attorneys at Law in St. Louis. Keyvan and Najm had made it about four miles outside the city when a 17-year-old high school senior in a Ford pickup truck turned off a country road and struck their vehicle.

Najm, who was driving, died almost instantly, Schlappizzi said. The driver, Jody Lewis, pleaded guilty to a municipal failure-to-yield charge and was fined \$150.

Schlappizzi said the case was not able to be settled due to his client's "cultural background dealing with legal matters."

Lewis' attorney, Chris Rackers, of Schreimann, Rackers, Francka & Blunt in Jefferson City, said the plain-

tiff's only demand was for \$1.5 million, and that he repeatedly tried to offer his client's policy limits of \$50,000.

"She just had to have her day in court," Schlappizzi said of Keyvan.

Keyvan filed suit against Jody Lewis and her father, Timothy Lewis. Timothy was named in the lawsuit for allegedly letting Jody drive the truck with high school messages painted on the windows. The messages allegedly obstructed her view, Schlappizzi said.

Schlappizzi said the trial became a damages trial, because Jody Lewis admitted fault the Friday before trial began. The plaintiff alleged that Lewis had never come to a stop at the stop sign before turning onto Route 63.

The jury found against Lewis but for her father and awarded

Keyvan \$150,000.

Rackers said Schlappizzi had initially told the jury panel that damages were in excess of \$2 million.

"Plaintiff counsel conducted a very thorough and effective voir dire," Rackers said of Schlappizzi, "and when he addressed the issue of damages, the panel members expressed a reluctance to award more than policy limits, because they did not want to saddle a young driver with a large verdict."

Timothy Lewis was represented by Seth Gausnell, of Rabbitt, Pitzer & Snodgrass in St. Louis. He said although his client's name was on the title of the car it was, in effect, Jody's.

Because of a bankruptcy action in the U.S. Bankruptcy Court, Eastern District of Missouri, Keyvan's recovery was limited to \$50,000.

### ■ \$185,000 Jury Verdict

#### WONGFUL DAETH/MOTOR VEHICLE COLLISION

■ **Court:** Phelps County Circuit Court

■ **Case Number/Date:** 25V0305-0732CC/June 14, 2010

■ **Judges:** Mary W. Sheffield

■ **Plaintiffs' Experts:** Larry Swinford, Rolla (coroner); Dr. Valerie J. Rao, Columbia (forensic pathologist)

■ **Caption:** Shahla Keyvan v. Jody L. Lewis and Timothy Lewis

■ **Plaintiffs' Attorneys:** Craig Anthony Schlappizzi, Schlappizzi Attorneys at Law, St. Louis

■ **Defendants' Attorney:** Chris P. Rackers, Schreimann, Rackers, Francka & Blunt, for Jody Lewis, Jefferson City; Seth Gausnell, Rabbitt, Pitzer & Snodgrass, for Timothy Lewis, St. Louis