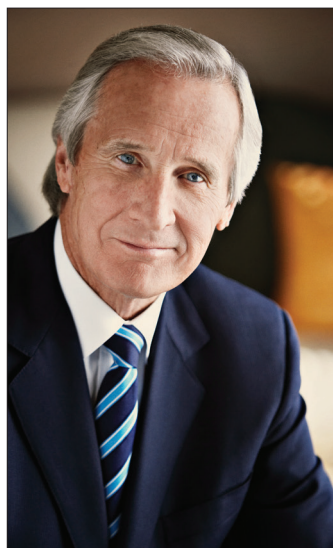


# MISSOURI LAWYERS WEEKLY

## Minister's Wife Fell Down Church Steps

*She Said Stairs Were Too Steep*



Donald L. Schlappizzi

BY MO LAWYERS MEDIA STAFF

Dorothy Skaggs, a minister's wife, slipped and fell down the inside stairs of the First Assembly of God Church in Hillsboro in December 1995. She fractured both shoulders and injured her wrist and tail bone.

Skaggs, 54, later died of cancer so her estate was substituted in her place. The plaintiff claimed the stairway was below reasonable standards because the stairs were too steep and their foot tread too narrow. She also claimed the riser was too high and there was no banister on the right side.

The church argued that Skaggs should have used the left banister.

The jury awarded \$334,000 to Dorothy's estate and \$35,000 to Gerald Skaggs for loss of consortium.

After the allocation of 35 percent fault, judgment was entered for \$240,000.

NOTE: Regarding medical expenses advanced by the defendant, the defense elected to use Sect. 490.715 RSMo to advise the jury that "someone other than the plaintiff" paid the medical bills, rather than have the court enter a credit for the expenses after the verdict was returned.

### \$240,000 Verdict

**Type of Action:** Premises liability

**Type of Injuries:** Fractured shoulders; wrist and tail bone injuries

**Court/Case Number/Date:** Jefferson County Circuit Court/CV300-6982/ June 6, 2002

**Caption:** Skaggs v. First Assembly of God, Hillsboro

**Judge, Jury or ADR:** Jury

**Name of Judge:** J. Edward Williams

**Verdict or Settlement:** \$369,000 verdict including \$334,000 for estate and \$35,000 for spouse

**Special Damages:** \$29,783 medical expense; \$25,000 - \$78,000 lost wages

**Allocation of Fault:** 65 percent to defendant; 35 to plaintiff

**Last Offer:** \$120,000

**Last Demand:** \$350,000

**Attorneys for Plaintiff:** Donald L. Schlappizzi, St. Louis; Gary A. Mosier, St. Louis

**Insurance Carrier:** Church Mutual Insurance Company

**Plaintiff's Experts:** G. Clinton Borrer, St. Louis (architect); Dr. David Haveisin, St. Louis (orthopedist); Dr. Mitchell Mirbaha, St. Louis (orthopedist)

**Defendant's Experts:** Dr. Alan Morris, St. Louis (orthopedist)