

Missouri Lawyers

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WEEKLY

■ \$1 MILLION SETTLEMENT

Hannibal man receives \$1M after crash causes brain injury

MOTOR VEHICLE COLLISION

- **Injuries Alleged:** head, brain and neck
- **Injuries Detail:** Traumatic brain injury, ruptured spleen, rib fractures, cervical fractures, pelvic and sacral fractures
- **Court:** Ralls County Circuit Court (not filed)
- **Date:** May 1, 2017
- **Caption:** Justin Haynes v. Jessica Ferry, Michael Gibbons
- **Plaintiff's Attorney:** Kevin Roach, The Law Offices of Kevin Roach, Chesterfield
- **Plaintiff's Expert:** Thomas Morris, St. Louis (accident reconstruction)
- **Insurance:** Country Mutual, State Farm, Travelers Indemnity, Progressive
- **First Pretrial Demand:** \$4 million
- **First Pretrial Offer:** \$350,000
- **Breakdown of Value:** \$900,000 from Country Financial (for Gibbons); \$50,000 from State Farm (for Haynes); \$25,000 from Travelers Indemnity (for Gibbons); \$25,000 from Progressive (for Ferry)

BY ALAN SCHER ZAGIER

Special to Missouri Lawyers Media

A 31-year-old man who suffered a traumatic brain injury, ruptured spleen and multiple broken bones in a car crash has settled a liability claim with four insurers for a total of \$1 million.

The collision occurred as Justin Rodney Haynes of Hannibal rode in the front seat of a 1998 Dodge Caravan operated by friend Jessica Elaine Ferry, 28, according to a Missouri State Highway Patrol accident report. The minivan crossed state Highway 19 while traveling west on Missouri Route Y, according to the report.

Ferry's vehicle was then struck on its right side by a 2011 Chevrolet Silverado



Kevin J. Roach

traveling south on Highway 19 and driven by Michael J. Gibbons, 71, of Galva, Illinois. Both cars skidded off the road into ditches, with Gibbons' overturning. The collision occurred on April 19, 2015, at 4 p.m.

Ferry, who was required to stop at the intersection, later told state police that she did not remember the collision. Gibbons said he saw the other vehicle approaching from his left but also did not recall the collision.

Both Haynes and Ferry were taken by helicopter to University Hospital in Columbia, while a passenger sitting in the minivan's second row, 6-year-old Joseph Perrigo – Ferry's son – was taken by ambulance to a northeast Missouri hospital.

Ferry's daughter, 21-month-old Elaina Marks, who was in a car seat in

the minivan's third row, was uninjured, state police said, as was Gibbons, who according to plaintiff's attorney Kevin Roach was on the job while driving the pickup. Gibbons subsequently received an unspecified amount of workers' compensation, according to Roach.

Roach said that his client's injuries consisted of traumatic brain injury, a ruptured spleen, cervical and rib fractures as well as pelvic and sacral fractures. Roach said that Ferry and her son were not seriously injured.

An accident reconstruction report commissioned on Haynes' behalf determined that Gibbons was traveling three miles over the 60 mph speed limit – a detail Gibbons confirmed to police, noting that he had set his driving speed on cruise control – and also had a delayed response, which the plaintiff's lawyer called a "significant contributing factor" to the collision.

"The key to the case was getting a strong accident reconstruction report that convinced the insurance carrier with the majority of the coverage to accept comparative fault," he said.

The settlement consisted of \$900,000 from Country Financial; \$25,000 from Progressive Insurance on behalf of Ferry, an amount reflecting her policy limits; \$25,000 in excess coverage from Travelers, Gibbons' workers' comp carrier; and \$50,000 from State Farm in underinsured motorist coverage held by Haynes.

Roach added that his client continues to have short-term memory loss, has not worked since the accident and has applied for disability payments.