

# Missouri Lawyers WEEKLY

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## Parties settle suit over Boone County accident

*Plaintiff required multiple surgeries on leg, knee*



James G. Krispin

A settlement of \$550,000 was agreed upon in a case involving a motor vehicle accident with a 22-year-old student at the University of Missouri in Columbia.

Plaintiff Jacob Roesch of St. Louis had just completed classes on the morning of March 21, 2008, and was driving to his part-time job on northbound Highway 40 in Boone County, a two-lane highway.

Bonnie Galloway of Slater was driving a 2005 Buick when she crossed the center-line, colliding nearly head-on with Roesch's 1999 Honda Accord.

The accident resulted in severe injuries to Roesch's left leg and knee, left elbow, right foot and right hand and wrist. He underwent multiple

operations on his left leg and knee, requiring internal hardware and subsequent surgical revisions.

It was thought that eventually Roesch would need a total knee replacement, said his lawyer, James G. Krispin.

Galloway died eight months after the collision, of causes unrelated to injuries sustained in the collision. Edwin W. Orr was the defendant ad litem.

The plaintiff alleged that the defendant's decedent failed to yield right-of-way and failed to maintain her vehicle in her lane of traffic, causing the collision. Galloway had pleaded guilty

to a municipal charge of failure to maintain her vehicle in her lane of traffic.

The defendant alleged the plaintiff's comparative fault in failing to take defensive action when the danger of collision became apparent.

The matter was mediated by Judge Robert G. Russell of Sedalia and settled within one week of mediation for \$550,000.

Medical charges billed by the providers totaled \$123,807.72, and the amount paid to satisfy those charges was \$55,479.59.

There is currently a battle in the state regarding Section 490.715.5 RSMo., the medi-

cal bills statute. The law now holds that it is a rebuttable presumption that "the dollar amount necessary to satisfy the financial obligation to the health care provider represents the value of the medical treatment rendered." RSMo. 490.715.5(2)

Missouri courts are interpreting the application of 490.715 as it relates to the admissibility of the amount of medical bills into evidence, Krispin said.

Defendant's attorney W. Hamp Ford Jr. of Ford, Parshall & Baker could not be reached for comment.

— Cathy Kingsley

### \$550,000 settlement

#### MOTOR VEHICLE COLLISION

■ **Case Number/Date:** 08BA-CV04933/ March 25, 2010

■ **Court:** Boone County Circuit Court

■ **Judge:** Gene Hamilton

■ **Plaintiff's Experts:** Dr. Richard C. Lehman, St. Louis (orthopedic surgeon); Dr. Bruce Schlafly, St. Louis (hand surgeon)

■ **Insurer:** Columbia Mutual

■ **Caption:** Jacob Roesch v. Edwin W. Orr, defendant ad litem

■ **Plaintiff's Attorney:** James G. Krispin, St. Louis

■ **Defendant's Attorney:** W. Hamp Ford Jr., Ford, Parshall & Baker, Columbia