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WEEKLY

Injured student nets big crash settlement

Unbuckled college freshman thrown from car



Mark A. Cantor

A college student achieved a \$570,000 settlement in a car accident that left him with partial vision loss in one eye and severe jaw and facial fractures that required surgery.

Mark Cantor, the attorney for plaintiff Kelvin Ward Jr., described the September 2009 accident. He said Ward, then a freshman at Missouri Western State University in St. Joseph, was a passenger in the rear seat of a Toyota Camry traveling south on Belt Avenue, a main road in St. Joseph. A Ford F-150 truck was traveling north on Belt and entered the center lane to turn left into a Taco Bell parking lot.

The Ford truck, driven by another Missouri Western student, Zachary Schultz, turned too late in front of the car Ward was traveling in and the vehicles collided.

A secondary collision occurred between Schultz and a sedan driven by Missouri Western student Aaron Sanders, who was behind Schultz in the turn lane. Ward was

not wearing a seatbelt and was thrown from the Camry. No one else was seriously injured.

David Gellis, an attorney for Sanders, said he agreed with Cantor's account of the incident but had no further comment.

Keith J. Schieber, the attorney for Schultz and American Family, couldn't be reached for comment.

Cantor considers the July settlement a victory particularly because he was able to obtain stacked liability insurance for his client. American Family Insurance, the insurance company for both Schultz and Sanders, was originally only willing to pay Schultz's liability policy limit of \$250,000, but Cantor got it to pay \$500,000 for stacked coverage.

He said the vehicle Schultz drove was owned by his father's small business and was covered along with multiple vehicles under

operator's policies. Missouri doesn't restrict coverage to a single policy if a driver is insured under multiple ones, he said, so he argued the policy language provided additional coverage through the other vehicles under which Schultz was covered as an operator.

Ward also got \$15,000 from Sanders' American Family policy for potential liability in the case; \$50,000 in underinsured motorist coverage from Farm Bureau Mutual Insurance Co., the carrier for the Camry driver, Jessica Motsinger; and \$5,000 in medical insurance payments from State Farm Insurance, Ward's mother's auto insurance policy.

Ward had \$132,000 in paid medical bills. "It was a good recovery for a young man with significant injuries," Cantor said.

— Laura Girresch

■ **\$570,000 settlement**

MOTOR VEHICLE COLLISION

■ **Court:** Buchanan County Circuit Court

■ **Case Number/Date:** 10BU-CV03793/July 7, 2011

■ **Judge:** Randall Jackson

■ **Special Damages:** \$132,000 in paid medical bills

■ **Insurers:** American Family Insurance for defendants Schultz and Sanders; State Farm Insurance for Ward; Farm Bureau Mutual Insurance Co. for Motsinger

■ **Caption:** Kelvin Ward Jr. v. Zachary Schultz and Aaron Sanders

■ **Plaintiff's Attorney:** Mark A. Cantor, Cantor & Burger, St. Louis

■ **Defendants' Attorneys:** Keith J. Schieber, Ferguson and Schieber, St. Joseph, for Schultz; Matthew F. Mulhern and David Gellis, Manz, Swanson & Mulhern, Kansas City, for Sanders