

Missouri Lawyers

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WEEKLY

■ \$250,000 SETTLEMENT

Good Samaritan receives \$250K settlement after crash

MOTOR VEHICLE ACCIDENT

■ **Breakdown:** \$100,000 from Nowak, \$100,000 from Molina, \$50,000 from Heather

■ **Venue:** St. Louis City Circuit Court

■ **Case Number/Date:** 1322-CC09416/Nov. 23, 2015

■ **Insurer:** The Allied Property & Casualty Insurance Co. for Molina, American Family Mutual Insurance for Heather and Nowak

■ **Caption:** Mario D. Vazquez v. American Family Mutual Insurance Co. and Dustin Heather

■ **Plaintiff's Attorneys:** Mark A. Cantor, Cantor and Burger, St. Louis

■ **Defendant's Attorneys:** Ted Pashos, Niedner Law, (for Heather), St. Charles; Sean Dolan, Evans & Dixon, (for Nowak), St. Louis; Cheryl Callis, Kortenhof, McGlynn & Burns, (for American Family Mutual Insurance), St. Louis

BY DAVID BAUGHER

Special to Missouri Lawyers Media

A complex case involving an accident that injured a good Samaritan who stopped to help after a crash has resulted in a quarter-million dollar settlement from three defendants.

"They stopped on the highway to render assistance to a vehicle on I-44," said plaintiff's attorney Mark Cantor, then of Cantor & Burger. "My client got out of the car to help the person that was still in the vehicle and as he did that, the vehicle he was assisting was struck by another vehicle."

The chain of events in the December 2012 accident began when Angela Nowak attempted to pass another vehicle and struck its passenger side, according to a petition in the case.

Cantor's client, Mario Vazquez, was riding in a passing pickup truck that stopped to help Nowak after the crash. Vazquez was leaning into the woman's Chevy Malibu when a fourth vehicle driven by Jose Molina crashed into it, tossing Vazquez into the air, after which he landed in the bed of the nearby truck, Cantor said. In the police report, Molina said he hit the vehicle that Nowak initially struck after seeing he couldn't stop in time to avoid Nowak's vehicle. Jon Straatman, a witness from the pickup said Molina collided with Nowak's vehicle itself, which was then shoved into the rear of the pickup.

"My client had tremendous damages," said Cantor. "He had multiple fractures and was hospitalized."

A fifth driver then crashed into one of the wrecked cars, according to the police report.

Vazquez eventually obtained a settlement with Molina and Nowak for \$100,000 each, but also sued Dustin Heather, his designated driver that day. He alleged that Heather had negligently stopped the pickup in the traffic lanes of the highway. The pickup was owned and insured by Straatman, who was also riding as a passenger that evening.

Heather acted responsibly in trying to help but erred in parking the vehicle on the roadway, Cantor said.

"That was the challenge. He shouldn't have stopped where he did but he's a good



Mark A. Cantor

guy," said Cantor. "He stopped to render aid."

He said there was dispute early on by Nowak's insurer as to whether Nowak should be in the case since Vazquez wasn't involved in her original accident.

"But we said if not for that collision, my client wouldn't have been injured," said Cantor.

Vazquez's filing initially made underinsured motorist claims against both Nowak's and Straatman's policies. Cantor argued that Vazquez had been occupying Nowak's vehicle when it was struck because he was leaning into it and had occupied Straatman's vehicle because he landed in its pickup bed. The petition said both Nowak's and Molina's insurance was insufficient to cover his client's injuries. However, Cantor said he eventually opted for a different approach to the matter.

"Ultimately, I was going to try the case on a simple negligence theory – that the driver shouldn't have stopped where he stopped," Cantor said.

Eventually, Straatman's insurer settled for the remaining \$50,000.

Theodore Pashos of Niedner Law represented Heather while Sean Dolan of Evans and Dixon represented Angela Nowak. Both declined to comment on the case. Cheryl Callis of Kortenhof, McGlynn & Burns represented American Family Mutual Insurance Company as the insurer of Straatman. She did not return a call requesting comment on the matter. **MO**