

# Missouri Lawyers

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## WEEKLY

## Jury hits drunken driver with \$469,000 verdict

*Award includes \$269,000 in punitive damages*



**Brian Timothy Meyers**

A Jackson County jury awarded \$469,000 to a motorist injured in a collision with a drunken driver. The verdict included \$269,000 in punitive damages.

In closing arguments, Kansas City plaintiff's counsel Brian T. Meyers argued "it would be a shame" if the defendant was allowed to prevail. If the jury sided with a convicted drunken driver, Meyers argued, the defendant "would be toasting his buddies later that night at a country club in Mission Hills, telling them how he fooled those chumps on the jury in Jackson County."

Christopher R. Pickert, a 26-year-old computer software engineer from Olathe, Kan., was driving a 2005 BMW 530i in South Kansas City at 11 p.m. Oct. 27, 2007. He had been at a wedding reception at The Kansas City Country Club.

Pickert allegedly ran a red light at the intersection of State Line Road and Blue Ridge Cutoff. He collided with a 2001 Chrysler Sebring driven by Heather A. McGregor, 19.

She suffered soft-tissue injuries to her neck and back, incurring \$24,000 in medical expenses.

Evidence showed that Pickert was exceeding the 35 mph speed limit. He failed to apply his brakes before the collision.

Kansas City police arrived on the scene and arrested Pickert for driving under the influence of alcohol and careless driving. Pickert's blood alcohol content measured 0.135 about two hours after the accident.

McGregor offered expert testimony from police officer Jonathan Munyan. He testified that Pickert had fabricated his claim that he had only two or three drinks several hours before the accident.

McGregor also offered expert testimony from Dr. Sean Wheeler, a pain management and sports medicine specialist. Wheeler testified that he gave McGregor three series of in-

jections to manage her back pain. He further testified that McGregor could suffer from intermittent back pain in the future.

Kansas City defense counsel Russell C. Ashley argued that the jury should focus on the extent of plaintiff's injury rather than rendering a verdict based on emotion. Ashley suggested \$50,000 for the total verdict.

The trial lasted two and a half days. The jury deliberated about three hours before awarding \$200,000 in actual damages and \$269,000 in punitive damages.

The defense filed a motion for judgment notwithstanding the verdict or, in the alternative, a new trial. Jackson County Circuit Court Judge Thomas C. Clark conducted a hearing on the motion March 12. Clark took the matter under advisement and is expected to rule by April 20.

— Anne C. Vitale

### ■ \$469,000 jury verdict

#### PERSONAL INJURY/VEHICULAR

- **Court:** Jackson County Circuit Court
- **Case Number/Date:** 0816-CV01865/Dec. 18, 2008
- **Judge:** Thomas C. Clark
- **Plaintiff's Experts:** Jonathan Munyan, Kansas City (police officer); Dr. Sean Wheeler, Overland Park, Kan. (pain management and sports medicine)
- **Special Damages:** \$24,000 medical expenses
- **Last Pretrial Demand:** \$125,000
- **Last Pretrial Offer:** \$100,000
- **Insurance Carrier:** State Farm Mutual Automobile Insurance Co.
- **Caption:** Heather A. McGregor v. Christopher R. Pickert
- **Plaintiff's Attorneys:** Brian T. Meyers and Peter K. Andreone, The Law Offices of Brian Timothy Meyers, Kansas City; T. Christian Cox, The Cox Law Firm, Kansas City
- **Defendant's Attorney:** Russell C. Ashley, Deacy & Deacy, Kansas City