

# Missouri Lawyers

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## WEEKLY

## Jury awards \$2.5M to injured woman

*Plaintiff's age helped with trial's outcome*



Davis



Foster

A Jackson County jury awarded \$2.5 million to a woman who suffered lifelong injuries in a car accident.

The award to Adrienne Garrison Wayman, of Grain Valley, compensates her for injuries she suffered in a 2005 accident with an executive of HealthSouth Corp., a Clayton-based health care company.

Wayman, then 23, was traveling south on Missouri Highway 7 when Kyle L. Farley rear-ended her, pushing her vehicle into the car in front of her. Farley is vice president of operations for HealthSouth and was acting in the scope of his employment when the accident occurred, the parties agreed.

Wayman suffered back, hip and neck in-

juries, according to the plaintiffs' petition. Nine months after the collision she underwent a cervical fusion for a herniated disk, said her attorney, Grant L. Davis, of Davis, Bethune & Jones.

Farley was dropped from the suit on Jan. 26, just before the case went to trial in Independence before Judge Michael Manners. The jury returned its verdict Jan. 30.

Davis said he's heard from some plaintiffs' lawyers that the size of the award will help their cases as well. Davis said, in a case in which a young woman had injuries with lifelong consequences, the outcome shouldn't be surprising.

"Over the last 20 years, there's been such a move toward alternative dispute resolution. It's almost a religion," Davis said. "Law students are taught in law school that

ADR is good. And the truth of the matter is, sometimes it's better for your client to have a jury trial."

Davis also said the trial tested whether the economic downturn would cause jurors to change the amount they awarded. He noted that the question was asked during voir dire, and most of the prospective jurors said it would not.

"I would say this is a case that indicates it's not going to make them go lower," he said.

HealthSouth was defended by Jim Foland and Kyle Roehler, of Foland, Wickens, Eisfelder, Roper & Hofer.

Roehler declined to comment directly on the outcome of the case. The defense made a request for remittitur of the verdict on Feb. 27.

— Scott Lauck

### \$2.5 million verdict

#### PERSONAL INJURY

■ **Court:** Jackson County Circuit Court

■ **Case Number/Date:** 0716-CV31153/Jan. 30, 2009

■ **Judge:** Michael W. Manners

■ **Plaintiffs' Experts:** Dr. Paul Arnold, The University of Kansas Medical Center (neurosurgeon); Dr. Anthony Gunn, Blue Springs (family doctor); Dr. George Edwards, Kansas City (pain management); Dr. Stephen Reintjes, Kansas City (neurosurgeon); Dr. John McMillan, Kansas City (radiologist); Craig Lee, Independence (physical therapist)

■ **Defendant's Expert:** Dr. Paul Olive, Springfield (orthopedic spine specialist)

■ **Last Pretrial Demand:** \$1 million

■ **Last Pretrial Offer:** \$350,000

■ **Caption:** Adrienne Garrison Wayman v. Kyle L. Farley and HealthSouth Corp.

■ **Plaintiff's Attorneys:** Grant L. Davis and Shawn Foster, Davis, Bethune & Jones, Kansas City

■ **Defendant's Attorneys:** Jim Foland and Kyle Roehler, Foland, Wickens, Eisfelder, Roper & Hofer, Kansas City

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