

# Missouri Lawyers

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## WEEKLY

■ \$360,000 VERDICT

# Former Fox 4 owner on the hook for cameraman's crash

**MOTOR VEHICLE COLLISION**

- **Injuries alleged:** Soft tissue, neck, back, gallbladder and pancreas
- **Venue:** Jackson County Circuit Court
- **Case Number/Date:** 1516-CV06381/May 26, 2016
- **Judge:** Robert Schieber
- **Plaintiff's Experts:** Bernard Abrams, Overland Park, Kansas (neurology); Fred Simon, Coronado, California (general/trauma surgery), Dan Margolin, Kansas City (general surgery)
- **Defendant's Experts:** Scott Bjerke, Kansas City (general surgery)
- **Last Pretrial Demand:** \$500,000
- **Last Pretrial Offer:** \$25,000
- **Caption:** Jessica Dubinsky v. Local TV Holdings LLC
- **Plaintiff's Attorneys:** Wes Shumate and Tim Gaarder, Davis, Bethune & Jones, Kansas City
- **Defendant's Attorney:** Stephanie Warmund, Law Offices of Stephanie Warmund, Kansas City



Wes Shumate



Tim Gaarder

By **JESSICA SHUMAKER**  
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The former owner of Kansas City's Fox 4 TV was found liable for \$360,000 in damages for an injury crash involving one of its employees in October 2011.

After two and a half hours of deliberation on May 26, a Jackson County jury sided with plaintiff Jessica Dubinsky, a Prairie Village, Kansas woman who was rear-ended at the intersection of West 58<sup>th</sup> Street and Metcalf Avenue in Mission, Kansas.

Dubinsky was stopped at the intersection in her Honda Civic, waiting to merge onto Metcalf Avenue, when she was struck by a Chevrolet Trailblazer driven by Matthew Hensley, a cameraman for the station who was driving a work vehicle.

Dubinsky sued the station's owner at the time of the crash, Local TV Holdings LLC, d/b/a WDAF-TV and Fox 4 TV, in 2015. She also sued Hensley, who was released from the suit prior to trial.

Wes Shumate and Tim Gaarder of Davis, Bethune & Jones represented Dubinsky. Both were pleased with the result.

"She's going to be in chronic pain with pancreatitis for the rest of her life," Gaarder said. "Hopefully this will help her out with the medical condition going forward."

Shumate said as a result of the crash, Dubinsky suffered injuries to her neck, back, gallbladder and pancreas, as well as soft tissue.

He said her seat belt caused damage to her gallbladder and pancreas.

"Within a week, she had a gangrenous gallbladder removed," he said.

The defense's theory was that Dubinsky's medical issues were coincidental and she had pre-existing conditions, Shumate said. The company was represented by Kansas City attorney Stephanie Warmund, who declined to comment.

Shumate said Dubinsky herself was key to the outcome of the trial. He said she has suffered through a lot and was affirmed by the verdict.

"To have a jury of her peers give her that affirmation really meant a lot to her and I think her truth really came through to the jury," he said. "I think she was everything to the case."