

VERDICTS & SETTLEMENTS

Family gets \$1.25M after death of man on wheelchair

By David Baugher

The family of a wheelchair-bound man who died after being struck by a Hummer will collect a \$1.25 million settlement from the driver's insurer.

Robert A. Thrasher of Monsees & Mayer said that Kendrick Johnson was wheeling himself across a Greene County parking lot while returning from a convenience store when he was struck by Jordan Neeley-Smith, who crossed the opposing lanes of traffic in the large vehicle.



Robert Thrasher

"She ended up running off the road, hitting a chain link fence that runs along the roadside," said Thrasher who represented the decedent's mother in the case.

According to the police report, the Hummer jumped a concrete culvert and went through another chain link fence before striking Johnson and hitting a pole, a bush and a curb prior to colliding with another pole where it stopped. Neeley-Smith's parents owned the vehicle involved in the August 2016 crash.

Thrasher said it was unclear what caused the accident.

The driver was tested at the scene but there was no evidence of illegal drugs or alcohol, nor was she charged with any impairment. The report said the defendant indicated she might have taken two allergy pills and a pill similar to ibuprofen and that she "got sleepy" before the accident. Officers described her as having "glassy" eyes and being "quiet" and "confused".

"Driver fatigue/asleep" was marked on the report as a probable contributing circumstance.

"She's not sure what happened," Thrasher said. "She told the police that the only thing she remembers is her car starting to vibrate and kind of shake and bounce."

Witnesses in the police report described the vehicle as traveling at a high rate of speed.

The responding officer said Johnson was not breathing and had no pulse at the scene.

Thrasher's client received \$460,000 from the settlement. The decedent's daughter, who was represented by Belleville, Illinois, attorney Pamela Brennan, received the remaining \$790,000.

"We were able to amicably resolve the amount and the split between the mother and the daughter," Thrasher said.

Brennan declined to comment.

Jennifer Rose of American Family Insurance was listed on Case.net as representing the defendant insurance company. She did not return a request for comment.

\$1.25 million settlement Wrongful death

Breakdown: \$790,000 for Destiney Johnson; \$460,000 for Shirley Johnson

Venue: Greene County Circuit Court

Case Number/Date:

1631-CC01668/March 9, 2017

Insurer: American Family Insurance

Caption: Shirley Johnson; Myesha Dean as next friend of Destiney Johnson v. Jordan Neeley-Smith

Plaintiff's Attorneys: Robert A. Thrasher, Monsees & Mayer, Kansas City, (for Shirley Johnson); Pamela Brennan, Law Offices of Pamela Brennan, Belleville, Illinois, (for Destiney Johnson)

Defendant's Attorney: Jennifer Rose, American Family Insurance, Lee's Summit