

VERDICTS & SETTLEMENTS

Family gets \$2.1M after driver killed by trailer tire

By David Baugher

A wrongful death claim pertaining to a man who perished in a traffic accident while on the job has been settled for \$2.1 million.



Robert A. Thrasher

Michael Skali was on Interstate 435 in the Kansas City area, transferring cars from one location to another for his employer, Enterprise Rent-A-Car, when a land-

scaping truck with a trailer holding lawn care equipment was driving the other way, according to Robert A. Thrasher of Monsees & Mayer.

"One of the tires actually breaks off the trailer, bounces over the concrete median and unfortunately strikes [my client's] vehicle in the windshield killing [him] and causing his car to run into the concrete median," said Thrasher who represented Skali's spouse and daughters.

The family sued driver Mark Tobin as well as Tobin Lawn and Landscape. Thrasher said that he investigated but that there were no problems with the manufacture of the tire or trailer themselves.

"We did not find any defect that

would come into play," he said. "It really came down to the fact that the lug nuts on the tire were not tightened properly and that is what caused them to come loose during transit and dislodged the tire from the trailer."

The landscaping company's umbrella policy paid its \$2 million limit while another \$100,000 came from the defendant's personal auto policy which also settled for the limit, he said.

"It was easy to settle," he said. "The accident happened in January of this year and we were just able to settle it so it was a matter of a couple of months that we were able to get everything together"

He said the business carrier looked into whether the trailer was covered by the policy.

"But once they found out there was coverage, there was really no argument," he said. "We didn't have to argue over the amount of damages in the case."

He said no experts were deposed and no workers' compensation claim was filed in the matter.

"He was killed while he was in the course and scope of his employment

but because of the third-party settlement and the amount of the settlement we did not pursue a workers' comp claim," Thrasher said.

David M. Mayer of the same firm was co-counsel with Thrasher on the case.

Peter Collins of Hinkle Law Firm and Lee's Summit attorney Mark Meyer were listed as representing the defense in the matter. Collins did not return a call requesting comment and Meyer declined to comment.

WRONGFUL DEATH

Venue: Clay County Circuit Court

Case Number/Date: 17CY-CV02803/May 3, 2017

Caption: Sylvia Skali, Lisa Tyliniski, Kimberly Skali v. Mark Tobin, Tobin Lawn and Landscape

Insurer: American Family Insurance for Mark Tobin; The Cincinnati Insurance Company for Tobin Lawn and Landscape
Plaintiff's Attorneys: Robert A. Thrasher and David M. Mayer of Monsees & Mayer, Kansas City
Defendant's Attorneys: Peter Collins, Hinkle Law Firm, Overland Park, Kansas; Mark Meyer, Lee's Summit