

Verdicts & Settlements

Teen injured in ATV rollover settles for \$375,000

Claimed driver, owner and grandmother were negligent

\$375,000 settlement

A teen injured in an ATV rollover has reached a \$375,000 settlement in his case filed in U.S. District Court for the Western District of Missouri. The teen pursued negligence claims against the ATV driver and owner and negligent supervision claims against his grandmother.

"Even though Derrick's injuries were severe, there were going to be difficulties in presenting the case to a jury since his grandmother was a defendant," said Kansas City attorney Thomas J. Fritzen Jr., who represented the plaintiffs. "Given those issues, we were very pleased with the settlement."

In August 2005, 14-year-old Derrick Satterlee and his brother were visiting their maternal grandmother, Linda Heckle, at her home in Noel. Derrick lived with his mother, Korey Satterlee, in North Carolina.

Heckle lives near Terrell and Cheryl Evans and their teenage daughter, Megan. The Evans family kept an all-terrain vehicle at their home. The Evans' employer, Crossland Construction Company, owned the ATV.

With Heckle's consent, Megan took Derrick and some other children for a ride on the ATV. As they were riding up

an old logging road, Megan turned the ATV and it rolled over, crushing Derrick's right arm.

Derrick was life-flighted to Children's Mercy Hospital in Kansas City and has required multiple surgeries to repair the fracture. At the time of discharge, his medical bills exceeded \$125,000. Doctors testified that Derrick will have scarring and some permanent loss of range of motion.

Korey Satterlee filed suit against the Evans family, Crossland Construction and her mother, Linda Heckle. The court granted Crossland's motion for summary judgment, finding that Crossland had no knowledge of and did not consent to Megan's use of the ATV. The Evans family and their insurance carrier, Allstate, paid policy limits of \$300,000.

To support plaintiffs' negligent supervision and negligence claims against Heckle, deposition testimony confirmed that Heckle understood that the ATV was fast and occasionally appeared dangerous when operated by Terrell Evans. Plaintiffs claimed that Heckle gave Derrick permission to ride on the ATV even though she knew or should have known that there were insufficient seat belts for all to ride, and despite not knowing whether Megan had permission to drive the ATV. Plaintiffs ultimately reached a

Satterlee v. Crossland Construction Company

Type of Action: Negligence, negligent supervision

Type of Injuries: Crush fracture

Court/Case Number/Date: U.S. District Court, W.D. Mo. /05-5116-CV-SW-RED/April 16, 2007

Caption: Satterlee v. Crossland Construction Company, Inc., et al.

Judge, Jury or ADR: N/A

Name of Judge: Richard E. Dorr

Verdict or Settlement: \$375,000 settlement

Special Damages: \$125,000 medical expenses

Allocation of Fault: \$300,000 paid by defendants Evans, \$75,000 paid by defendant Heckle

Last Offer: \$300,000 policy limits from Evans, \$75,000 from Heckle

Last Demand: \$300,000 policy limits from Evans, \$100,000 policy limits from

Heckle

Attorneys for Plaintiff: Thomas J. Fritzen Jr., Martin Leigh Laws & Fritzen, Kansas City

Attorneys for Defendant: Charles A. Edgeller, Harris McCausland, Kansas City (for Evans); Lynn C. Rodgers, Hall Ansley Rodgers & Sweeney, Springfield (for Heckle); Charles A. Getto, McAnany, Van Cleave & Phillips, Kansas City (for Crossland Construction)

Insurance Carrier: Allstate (for Evans); Nixa Farmers Mutual Insurance Company (for Heckle)

Plaintiff's Experts: Dr. Mark E. Brenner, Pinehurst, N.C. (orthopedic surgeon); Dr. Kevin Latz, Kansas City (orthopedic surgeon)

Defendants' Experts: None



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\$75,000 settlement with Heckle and her insurance carrier, Nixa Farmers Mutual Insurance Company.

Charles Getto of Kansas City, attorney for Crossland Construction, said his client was "pleased the court granted its

motion for summary judgment." Charles A. Edgeller of Kansas City, attorney for the Evans family, and Lynn C. Rodgers of Springfield, attorney for Heckle, did not respond to requests for comments.

— Anne C. Vitale