

## **Verdicts & Settlements**

### **Man hurled into wall by friend in test pickup**

### **Automaker must pay award despite not being named as defendant**

In November 2006, Tony Broeren, an electro-mechanical engineer at a Tier II auto supplier, was preparing to return home from a week of deer hunting with five friends in central Michigan.

He was standing in the driveway of the cabin the group was staying in, when Roy Bates II backed up his Dodge Ram pickup truck. Instead of pressing the brake to park and exit, Bates hit the accelerator. The vehicle struck Broeren, driving him head-first into the cabin and dragging him when Bates put the car in drive.

Broeren underwent 11 surgeries, including a replaced knee and schedule surgery on the other knee. Slight traumatic brain injury also was diagnosed. He also suffers tinnitus, vertigo, side effects from the various pain pills and weight gain. He moves slowly using a four-prong cane and has difficulty going up stairs. Broeren's wife, Lisa, had to quit her job as a registered nurse to care for her husband and suspend her pursuit of a master's degree.

The Ram that Bates, a Chrysler engineer, was driving was a Chrysler test vehicle. Even though under Michigan law Chrysler was financially responsible for the jury verdict, a quirk in the law stated the automaker was not allowed to be named a defendant in the case. Despite Chrysler hiring the defense attorneys and making all settlement and trial decisions, the jury was never allowed to know about the automaker's involvement.

The jury deliberated three hours before deciding to allot \$2.75 million for non-economic damages, \$1.88 million for economic damages and \$1.02 million for loss of consortium.

**See related story, "Auto giant saddled with \$5.6M verdict."**

**Type of action:** Third-party auto negligence

**Type of injuries:** Mild traumatic brain injury, severe leg injuries, broken jaw, separated shoulder

**Name of case:** Broeren, et al., v. Bates

**Court/Case no./Date:** Macomb County Circuit Court; 07-937-NI; Aug. 13, 2008

**Tried before:** Jury

**Name of judge:** Mary Chrzanowski

**Highest offer:** \$1 million

**Verdict amount:** \$5.65 million

**Special damages:** Loss of consortium was \$1.02 million

**Insurance carrier:** Progressive Insurance Co.

**Attorney for plaintiff:** Steven M. Gursten, Thomas James

**Attorney for defendant:** William McCandless

**Key to winning:** Extensive pre-trial preparation on voir dire and making sure a jury could hold an individual defendant fully accountable for the full extent of plaintiff's damages

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