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Chrysler contests verdict, angering victim

Bruce Township man run over by friend was awarded \$5.6 million

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Chrysler is fighting a \$5.6 million lawsuit award in a case where a severely injured Bruce Township man says he needs the money in order not to lose his house.

Chrysler LLC has asked for a new trial after a Macomb County jury awarded the large sum to Tony and Lisa Broeren for injuries Tony suffered in a November 2006 vehicular accident outside a hunting cabin near Ewart, Mich.

Chrysler claims the wrong verdict form was used.

Broeren's attorney, Steven [Gursten](#), criticized the Auburn Hills automaker for the maneuver.

"This is a nasty, hardball tactic," [Gursten](#) said. "It seems like they don't care because they know Tony's condition. They are trying to make it as difficult as possible for the Broerens, I think just to see if they'll give in."

Chrysler spokesman Mike Palese said the company is simply exercising its right to try to reduce a large verdict.

"We want to deal with a little more reasonable numbers," Palese said. "We're certainly very sympathetic to the family. This is a terrible accident, and this man suffered very debilitating injuries."

He pointed out the Broerens sought the "deep pockets" of Chrysler.

"Not to get lost in this case is there was no allegation there was any defect in the vehicle that caused these injuries to Mr. Broeren," he said. "We're the deep pockets here. It's unfair to make us feel on the defensive."

But [Gursten](#) countered that Chrysler could have settled for half the amount before the trial. Chrysler refused a case evaluation recommendation of \$2.6 million, which the Broerens accepted. Chrysler offered \$1 million on the eve of the trial but the Broerens declined it.

The Aug. 13 verdict was officially made against Roy Bates II of Chesterfield Township, the driver of the Dodge Ram pickup truck that hit Broeren. But Chrysler is financially liable because it was a company vehicle being driven by employee Bates.

Chrysler admitted Bates' negligence but was able to exclude from the trial a mention of the automaker's liability.

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, following a 7-day trial in Macomb County Circuit Court in front of Judge Mary Chrzanowski.

But Chrysler sought the new trial, arguing that the verdict form should have allowed the jury to issue the future damages on a year-by-year basis, based on life expectancy. The jury was given

the wrong verdict form and then issued the award in lump sums.

The entire award except for the \$1.02 million awarded for Lisa Broeren's loss of consortium included future damages.

[Gursten](#) counters that the proper form was used and Chrysler's claim is unfounded. It's the same form that has been used in auto negligence cases since 1999, as approved by a committee formed by the state Supreme Court, [Gursten](#) said.

[Gursten](#) notes that Chrysler attorneys agreed to the form prior to the trial but now is making the claim.

The two sides argued the matter Sept. 22 in circuit court, and Judge Chrzanowski will issue a written opinion.

[Gursten](#) said he has offered to negotiate a compromise, but Chrysler failed to respond.

Because Chrysler didn't accept the case-evaluation figure, it must pay interest, piling up at \$629 per day, according to [Gursten](#).

Meanwhile, the Broerens have not received any money at all. They say the incident has financially devastated them.

Tony Broeren suffered a head injury that resulted in loss of some mental ability and function, tinnitus (ringing in the ears) and vertigo. He also suffered a crushed leg, separated shoulder, broken jaw and a broken bone in his back.

Even though most of the medical treatment for Broeren is paid by insurance, the couple says it has been shorted hundreds of thousands of dollars in the nearly two years since the incident.

Broeren had a high-paying job as an electro-mechanical engineer at Advanced Systems and Controls in Macomb Township, but he has not been able to work and likely will never be able to work.

Lisa Broeren, a nurse, had to quit her job at an Oakland County hospital when it happened and didn't work for months. She now works as a nurse at St. John Macomb in Warren.

The Broerens are worried they will soon have to sell their home to survive, but under the current real estate market, that may not be a viable solution. They fear their home may go into foreclosure.

Meanwhile, Tony Broeren recently had his 12th surgery. He goes to physical therapy daily. He says he is in frequent pain, and suffers mentally and emotionally.

The accident occurred nearly two years ago in the driveway of the cabin when Bates accidentally stepped on the accelerator instead of the brake and slammed the pickup truck into Broeren, running over his leg and knocking him head first into the cabin wall.

Broeren and Bates were preparing to return home from a weekend hunting trip with four other male friends, all of whom own the cabin.



Submitted photo

Tony Broeren shows the gash on his head where the Dodge Ram pickup driven by Roy Bates II of Chesterfield Township backed into him, throwing him into the side of a hunting cabin.