

# Injured motorcyclist settles crash lawsuit

*Plaintiff pursued personal assets of defendant*

A man who nearly lost his leg in a motorcycle accident received a \$162,500 settlement after mediation.

Calvin Heithaus, of Neosho, was riding his motorcycle on the evening of Sept. 23, 2009, when the defendant, Georgia Ziegler, pulled out in front of him at the intersection of Newt Road and Highway 86 in Newton County.

Ziegler lives near the intersection and was close to home when she made a left turn in her 2008 Buick Enclave. Heithaus did not have time to stop and slammed into her vehicle.

Heithaus was airlifted to Freeman Hospital in Joplin and then transferred to University Hospital in Columbia. His jaw and one elbow were broken. He underwent

seven surgeries, and he had to endure skin and bone grafts to save his leg.

"If this had happened 15 years ago, they would have amputated his leg," said his attorney, Stephen F. Aton.

Heithaus, who lost 6 inches of thighbone because of the accident, was in a wheelchair initially and is now on crutches; he is in his early 30s.

Aton filed suit after learning the defendant had only \$50,000 in liability insurance. He discovered that since she had recently divorced, she had real property.

Plaintiff's expert Bruno Schmidt, an accident reconstructionist, determined the defendant was solely at fault for failure to yield.

After depositions were taken, the parties

## ■ \$162,500 settlement

### MOTOR VEHICLE COLLISION

■ **Court:** Newton County Circuit Court

■ **Case Number/Date:** 10NW-CV00153/ Aug. 6, 2010

■ **Mediator:** James Condry

■ **Insurer:** State Farm

■ **Caption:** Calvin Leroy Heithaus v. Georgia Corine Ziegler

■ **Plaintiff's Attorney:** Stephen F. Aton, Aton Law Firm, Springfield

■ **Defendant's Attorney:** Peter J. Lasley, Flanigan, Lesley & Moore, Carthage

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agreed to mediate the case with Springfield attorney James Condry. The parties settled the case for \$162,500, of which \$112,500 was from the defendant's personal assets and the balance from her insurance company.

The plaintiff's medical bills were more than \$220,000. They were paid by Medicaid, which had a lien of almost \$50,000 on the proceeds.

Aton filed suit against the Missouri Department of Social Services under sec-

tion 208.215 RSMo for reduction of the lien. At a hearing, the lien was reduced to \$2,000.

"By pursuing the personal assets of the defendant and seeking reduction of the medical lien, the plaintiff secured a more favorable recovery," Aton said.

The defendant's attorney, Peter J. Lasley, said his client did not have enough insurance and had to dip into her personal assets.

— Cathy Kingsley