

# Policy lapse leads to refusal-to-pay lawsuit

*Man's medical bills surpassed \$300,000*

An at-fault driver's lapsed automobile insurance policy led to a \$550,000 payment for underinsured motorist coverage from the insurer of a man who was injured while riding his motorcycle.

After 10:30 p.m. on June 5, 2009, Bradford Scott Bradley was riding his motorcycle in downtown Rolla, and Patsy Carroll Dotson allegedly failed to yield the right-of-way. Bradley, now 47, was thrown from his motorcycle and suffered serious injuries, including a compound fracture of his leg. He was taken by helicopter to University Hospital in Columbia, where he had several surgeries, said his attorney, Stephen Aton.

Bradley's medical bills surpassed \$300,000, Aton said. He had several uninsured motorist policies and tried to file claims because Dotson did not have insurance, Aton said. After a year, his insurer, Farm Bureau Town & Country Insurance Co. of America, had

not agreed to cover the claims, so he sued for vexatious refusal to pay.

He had five separate \$100,000 policies, and two others worth \$25,000 each, Aton said. The policies stacked to reach \$550,000 in coverage. Dotson previously had insurance through Progressive but her policy had lapsed, he said.

"They accepted our contention that she was not insured," he said.

Dana L. Frese, who represented Farm Bureau Insurance, said proving the insurance lapse took time.

"The case was fairly straightforward, other than the difficulties we had in establishing the fact that the operator of the other vehicle was in fact uninsured," Frese said, declining to comment further.

Bradley's wife is a federal employee, and he was covered under her health insurance policy through Government Employees

## ■ \$550,000 settlement

### MOTOR VEHICLE COLLISION

■ **Court:** Phelps County Circuit Court

■ **Case Number/Date:** 10PH-CV01572/Dec. 20, 2010

■ **Plaintiff's Experts:** Bruno Schmidt, Springfield (accident reconstruction)

■ **Special Damages:** \$300,000 in medical expenses

■ **Last Pretrial Demand:** \$550,000 (full policy limit)

■ **Last Pretrial Offer:** After insurer agreed defendant's coverage had lapsed, \$550,000

■ **Insurer:** Farm Bureau Town & Country Insurance Company of America

■ **Caption:** Bradford Scott Bradley v. Patsy Carroll Dotson, Farm Bureau Town & Country Insurance Company of America

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

■ **Defendants' Attorneys:** Steve Daniels, Daniels Law Office, Rolla; Dana L. Frese, Carson & Coil, Jefferson City

SEARCH ONLINE AT [HTTP://VERDICTS.MOLAWYERSMEDIA.COM](http://VERDICTS.MOLAWYERSMEDIA.COM)

Health Association Inc., Aton said. The insurance company asserted a lien of \$189,000 to pay for medical bills, but Aton disputed its lien rights and negotiated a reduction of the lien to \$20,000.

"My client ended up with an additional \$170,000 because of that negotiated reduction in the lien," he said.

Aton said Bradley has chronic pain from his leg injury and has difficulty walking. He travels frequently for his job at Mohawk Flooring, he said.

"He's really a trouper. A lot of people with his injury and what he has to put up with would have just said, 'I quit,'" Aton said.

— Rebecca Boyle