

News Story

Auto giant saddled with \$5.6M verdict

Southfield lawyer garners victory for client injured by Chrysler-owned vehicle

By Melissa P. Stewart, Esq.

Verdicts and Settlements Plus

A weekend hunting trip that turned nearly fatal has left Chrysler LLC on the hook for a recent \$5.65 million verdict.

That's because Tony Broeren sustained head and shoulder injuries, a shattered knee and a broken jaw when Roy Bates II accidentally backed into him in a pickup truck owned by the auto manufacturer.

Broeren sued Bates and Chrysler for his injuries, but Chrysler was ultimately removed as a defendant from the case.

Nevertheless, Broeren's attorney, Southfield-based Steven M. Gursten, persevered - fueled on, in part, by a Michigan statute that holds the owner of a vehicle liable for any damages caused by its operation.

"The lawyer from Chrysler made it pretty clear early on that this case was going to go to trial when Chrysler was removed from the case as a party defendant," he said. "Chrysler took an extremely hard-line approach, never offering me more than \$600,000 until the day of the trial on a case that mediated for \$2.6 million."

What's more, Gursten said, "At case evaluation and again at facilitation, they kept insisting that a 'conservative Macomb County jury' will never award millions of dollars, no matter how serious the injuries, because juries in Macomb do not award those kinds of verdicts."

Apparently, Chrysler was wrong.

And, in Gursten's estimation, that's no surprise.

"The 'Macomb County' defense was always ridiculous," he said. "I've heard it everywhere I go. When I'm in Grand Rapids, it's the Grand Rapids defense. When I am in Oakland County, it's the Oakland County defense."

The reality is, he said, "if you have a good client - someone who is both likable and credible - and who has suffered a serious injury through no fault of his or her own, you are always going to get a substantial jury verdict."

Yet, getting to this particular multimillion-dollar verdict still took careful planning.

"The main focus of my preparation was committing a jury to return a verdict proportionate to the injuries and losses Tony Broeren suffered, and in selecting a jury in voir dire that could promise not to consider how the verdict would be paid," Gursten said.

To get there, "I worked with two different jury consultants on these issues and [also on] deciding ahead of time which specific type of jurors I would want," he said.

"For example, on this jury I had both a lawyer and the wife of a professional truck driver," he explained. "Normally, a plaintiff's lawyer would want to exclude these jurors, but I knew [they] would not be misled by Chrysler's fraudulent defense and trying to position the case as an individual suing his 'friend' for millions of dollars for an 'unfortunate accident.'"

For its part, Chrysler declined to comment except to say in an Aug. 28 statement, "Juries are not and should not be allowed to determine damage awards based on the amount of insurance a defendant has. The only question is what injuries the plaintiff had and what amount should compensate that plaintiff."

Moreover, the statement continued, "Laws such as the Michigan law on vehicle ownership for purposes of liability were designed to protect citizens of this state from unscrupulous plaintiff lawyers in search of hitting the 'litigation lottery' by holding a 'deep pockets' defendant accountable for damages even when the company is not at fault."

Given that position, it is perhaps not surprising that Chrysler is currently considering an appeal.

Should it choose to do so, though, Gursten told *Michigan Lawyers Weekly* he is ready.

"Anyone can always appeal, [but] luckily, they have won all of the issues already - such as keeping Chrysler out of the case - so I have no idea what they will appeal," he said. "My experience has been that whichever way these cases turn out, the other side always threatens to appeal to try to knock something off the total verdict."

A Verdicts and Settlements Report of the case, *Broeren, et al., v. Bates*, can be found on page 7 of this issue, and on our Web site, www.milawyersweekly.com.

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