

The Macomb Daily

Judge denies Chrysler request

Jury awarded \$5.6 million to Bruce Township accident victim

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Dec. 4, 2008

Chrysler Corp. is asking a Macomb County judge to reconsider her denial of a new trial that maintained a \$5.6 million award to a Bruce Township man who suffered debilitating injuries in a truck accident.

Circuit Judge Mary Chrzanowski ruled against Chrysler's claims the jury was given the faulty instructions following an August trial after which it awarded the funds to Tony and Lisa Broeren.

Tony Broeren suffered severe injuries in November 2006 outside a hunting cabin near Evart, Mich., in which a friend, a Chrysler employee, accidentally struck him with a companyowned Dodge Ram pickup truck.

Chrysler admits negligence but disputes the damages.

Chrysler asked for a retrial, contending the wrong verdict form was used and should have allowed the jury to issue the future damages on a year-by-year basis, based on life expectancy, instead of a lump sum, Chrysler said.

But Chrzanowski ruled Nov. 17 the controlling law in the case is the No-Fault Insurance Act, not the Revised Judicature Act as cited by Chrysler.

"The No-Fault Insurance Act does not provide for requirements regarding the allocation of future damages similar to the requirements provided (in the RJA)," Chrzanowski says. "The Court has not found any case law that specifically addresses whether damages under the no-fault statute are subject to (the RJA)."

Even if instructions were flawed, the judge points out, "jury instructions do not create error requiring reversal if, on balance, the theories of the parties and the applicable law are adequately and fairly presented to the jury."

However, Chrysler on Monday filed a reconsideration motion, insisting a set of instructions that considers future damages and required under the RJA should have been used.

The \$5.6 million would be considerably less if considered as damages spread out over the Broerens' life expectancy.

"The Court's failure to instruct the jury to allocate future damages was contrary to the mandatory language of (the RJA) and thus materially prejudiced (Chrysler) by subjecting (Chrysler) to excessive damages," Chrysler attorney Paul Scheidemantel says in the brief accompanying the motion.

The RJA "is routinely applied in automobile negligence cases under the No-Fault Act," Scheidemantel says in the motion.

Steven [Gursten](#), the Broerens' attorney, said he recently contacted Chrysler to try to settle the

matter for a lesser amount but has not gotten a response.

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 formally made against Roy Bates II of Chesterfield Township, the driver of the truck that hit Broeren, but Chrysler is financially liable.

The jury allotted \$2.75 million for non-economic damages, \$1.88 million for economic damages and \$1.02 million for loss-of-consortium damages.