

## Gunshot Victim Receives Settlement Despite Unpaid Insurance Premium

Alexander Musgrove, a Bahamian citizen, was visiting relatives in Palm Beach County in October of 1997. During his stay, he ate lunch at Chef G's Restaurant, which was located in a strip shopping center in West Palm Beach. He was accompanied by several family members. While at the restaurant, Alex and his brother were robbed and shot in the bathroom by an unidentified person.

Alex was rushed as an emergency trauma patient to St. Mary's Hospital and immediately admitted. He was diagnosed with penetrating injuries to the left abdomen and left flank. An exploratory surgery revealed a bullet lodged in his body, causing an obvious spinal cord injury. Alex could not move his left leg and both of his feet were numb. He remained in St. Mary's Hospital for over two weeks.

After completing his medical care, Alex was left with serious, permanent, and disabling injuries. Alex's treating physician assigned him a 40% permanent functional impairment. Alex requires the use of a cane to ambulate and can only walk short distances. He experiences severe muscle spasm and pain in his toes. Alex, who worked as an executive chef prior to the shooting, has been unable to work since the accident. He has also had a great deal of difficulty caring for his son, Avery, who was just a toddler when this incident occurred.

Alex Musgrove hired attorneys Earl Denney and Karen Terry to investigate the circumstances of the shooting. Suit was eventually filed

against the restaurant owner, as well as the shopping center where the shooting occurred, based on the lack of security provided to patrons. The presiding judge, however, ruled that the shopping center had no responsibility for what had occurred inside the restaurant.

Old Dominion Insurance Company insured Chef G's, but denied coverage for this incident based on the fact that Lloyd Grant, the owner of the restaurant, allegedly paid his premium with a bad check. However, Old Dominion had reinstated the restaurant's policy when the check was delivered, and coverage remained in effect until a denial was issued after the shooting.

Experts hired by the plaintiff testified that Old Dominion treated Mr. Grant as if he had insurance coverage, and therefore had a duty to provide that coverage along with a legal defense. The plaintiff's goal was to demonstrate that Old Dominion wrongfully denied coverage to Mr. Grant, which in turn denied Mr. Musgrove the opportunity to recover monetary damages for his injuries. The plaintiff took the position that Old Dominion abandoned its insured. Mr. Musgrove then entered into a settlement agreement with Chef G's and Mr. Grant for \$1,000,000. The defendants, who believed they had the insurance company to blame for failing to indemnify them, then assigned their cause of action against Old Dominion, for its wrongful denial of coverage, to the plaintiff.

Old Dominion never relented on its insurance coverage defense, but eventually agreed to a settlement with Ms. Terry and Mr. Denney on the eve of trial for the sum of \$600,000.

## High Speed Impact Causes Spinal Fracture

On May 2, 2001, Trudy Mae Capehart was traveling in her Ford Crown Victoria on her way to work in Dade City, Florida. Trudy Mae had worked as a cook for the Pasco County Juvenile Detention Center for over 10 years, and enjoyed the small-town atmosphere of Dade City. A passenger in her own vehicle, she was traveling down one of the rolling hills in Dade City when the driver stopped for a broken-down vehicle in the roadway. A few moments later, Trudy Mae noticed a large truck approaching from behind at a high rate of speed. Trudy Mae could only brace herself, as there was no way to avoid the crash.

The driver of the Ford F250 truck that struck Trudy Mae's stopped vehicle, whose name was Mr. Mooney, was traveling at almost 50 miles per hour prior to impact. Trudy Mae's car was crushed to the back windshield and her seat broke upon impact, propelling her backward. The jaws-of-life were utilized to extract her, and she was then airlifted to Tampa General Hospital. Among other injuries, Trudy Mae suffered a compression fracture to her thoracic spine as a result of the crash.

Trudy Mae retained Attorneys Sia Baker and Darryl Lewis to prosecute her claim against Mr. Mooney. The defendants vigorously argued that Trudy Mae's pre-existing injuries were the cause of her pain, and denied responsibility for her damages. However, the plaintiff's experts demonstrated that Trudy Mae's injury was a direct result of the crash. Trudy Mae's case settled days before trial for \$200,000.