

VERDICTS & SETTLEMENTS

Woman rammed by drunken driver left with back pain

\$825,000 settlement (out of state)

MOTOR VEHICLE COLLISION

- **Venue:** Johnson County (Kansas) District Court
- **Case Number/Date:** 1:20CV00378/ Jan. 6, 2022
- **Plaintiff's Experts:** Peter Basta, Kansas City (surgery); Cori Ingram, Basehor, Kansas (life care planning)
- **Injuries:** Low back pain and pain and numbness in her legs from L5-S1 spondylolisthesis with severe bilateral foraminal stenosis and loss of disc height treated necessitating L5-S1 facetectomy and fusion
- **Insurer:** State Farm
- **Caption:** Courtney Jones v. James Costain
- **Plaintiff's Attorneys:** Nick Hillyard and Samuel Wendt, Wendt Law Firm, Kansas City
- **Defendants' Attorneys:** Dana Harris, Harris & Hart, Overland Park, Kansas

BY DAVID BAUGHER

An evening of aggressive driving from an intoxicated motorist resulted in an \$825,000 settlement from his insurer.

According to plaintiff's attorney Nick Hillyard of the Wendt Law Firm, Courtney Jones was a passenger in her husband's vehicle when a Dodge truck driven by defendant James Costain began ramming the couple, causing her serious back injuries.

Hillyard said that Jones' husband was a law enforcement officer.

"He described it as more terrifying

than when he was in an on-the-job shootout," Hillyard said.

According to Johnson County, Kansas court records, Costain pleaded guilty in 2019 to two felonies in connection with the incident.

"In his deposition, he testified that he was as drunk as he could have possibly been," Hillyard said. "He remembers drinking in his office and the next thing he remembers is waking up in jail."

Jones suffered low back pain and numbness in her leg after the encounter.

"She followed up a couple of days later with an orthopedist and it finally got to the point where she was getting epidural steroid injections that weren't helping with her pain," he said.

Ultimately, she was advised to go forward with a lumbar fusion operation. However, Hillyard said that the insurer responded to demands with an offer of only \$26,000, well below the policy limits of \$250,000.

Hillyard said that he argued the policy limits should no longer apply due to the company's low offer. The insurer eventually settled the matter.

Hillyard listed Dana Harris of Harris & Hart as representing the defendant. Harris is now retired, and a message left with his office was not returned.



Nick Hillyard



Samuel Wendt