

VERDICTS & SETTLEMENTS

Man struck in parking lot in Kansas settles with driver for \$2M

MOTOR VEHICLE COLLISION

- **Venue:** Johnson County, Kansas, District Court
- **Case Number/Date:** 1: 19CV00547/Feb. 8, 2022
- **Special Damages:** \$87,968.13 in past medical expenses
- **Insurer:** State Farm Mutual Automobile Insurance Company
- **Caption:** David Regan v. Thomas Pospisil
- **Plaintiff's Attorneys:** Samuel Wendt and Nick Hillyard, Wendt Law Firm, Kansas City
- **Defendants' Attorneys:** Ian Bartalos and Kevin Looby, McCausland Barrett & Bartalos, Kansas City

BY DAVID BAUGHER

A man struck by a vehicle in a parking lot while wearing a bright orange safety vest will collect a \$2 million settlement, according to his attorney.

"While he was in the crosswalk, he was hit by a vehicle as a pedestrian," said Samuel Wendt of Wendt Law Firm.

David Regan, a pedestrian at a Home Depot in Olathe, Kansas, was thrown to the ground by impact of Thomas Pospisil's vehicle.

Witnesses called 911 to report the incident, and Regan was transported by ambulance to a local emergency room. He alleged head, neck, chest,

rib and knee pain as a result of the Halloween 2017 incident.

Wendt, who indicated that Regan was wearing colorful safety garb at the time of the accident, said that the defense argued that his client may not have been in the crosswalk at the time.

"But really, their primary defense had to do with damages and the nature and extent of his injuries. Their expert said he had not suffered a brain injury and never had a head injury or concussion," Wendt said. "Through the use of our experts we were able to establish that those injuries did in fact occur."

Wendt argued that the driver was not paying attention and failed to see his client.

"The strike was significant in that it left a dent in the side of the truck," he said.

He said that Regan worked for another year before taking retirement.

Wendt said the case settled about a week after it was mediated.

Ian Bartalos and Kevin Looby of McCausland Barrett & Bartalos, who represented the defense, did not return a request for comment on the case.



Samuel Wendt



Nick Hillyard