

# Pizza Hut, driver to pay in collision

*Woman went to ER days before crash with neck pain*

BY DONNA WALTER

[donna.walter@molawyersmedia.com](mailto:donna.walter@molawyersmedia.com)

Pizza Hut and one of its drivers agreed to pay \$300,000 to settle a lawsuit after the driver rear-ended another vehicle.

Monica Owens, now 37, was a passenger in a 2006 Ford Freestar when on July 22, 2010, pizza delivery driver Larry Thrasher hit the vehicle from behind. The van carrying Owens and three others was stopped at a stop sign eastbound on West Sixth Street at Carleton Avenue in Caruthersville. Thrasher, now 53, was driving a 2003 Dodge Stratus.

Neither car was damaged, said Owens' lawyer, Zane Cagle, but the plaintiff, complaining of neck injuries, was taken to the emergency room at Pemiscot Memorial Hospital. She underwent surgery for her neck injuries, which she alleged the rear-end collision caused.

Nine days before the accident, Owens was in the same emergency room, complaining of neck and shoulder pain. She also was involved in another automobile accident after her surgery.

When asked how he would overcome the facts that his client had prior injuries and that there was no property damage, Cagle said it comes down to the credibility of the parties.

"At the end of the day, that's the most important thing: Who's the most credible?" he said. "Just because there's no damage to the car doesn't mean somebody can't be hurt. Then the case turns on credibility."

Andrew G. Mundwiller, the lead plaintiff's attorney, said the plaintiff was nice.

"She was a believable lady, and she told the truth," he said. "I think that's what they saw. I think when they saw her, they understood she was a good person and she was telling the truth."

Owens sued Thrasher and Heartland Foods, doing business as Pizza Hut, alleging in part that Pizza Hut's business practices encouraged reckless driving. Thrasher testified in his deposition that he was in a hurry to make his deliveries and that he was paid a flat fee per delivery in addition to his hourly wages, according to the plaintiff firm's case summary.

The flat fee encourages reckless driving,

## ■ \$300,000 settlement

### MOTOR VEHICLE COLLISION

■ **Venue:** Pemiscot County Circuit Court

■ **Case Number/Date:** 11PE-CC00074/March 5, 2012

■ **Judge:** Fred W. Copeland

■ **Plaintiff's Expert:** Dr. George Schoedinger, St. Louis (orthopedic surgery)

■ **Defendants' Expert:** Dr. Kevin A. Vaught, Cape Girardeau (neurosurgery)

■ **Special Damages:** \$105,000 in medical bills

■ **Insurers:** Farmers Insurance for Larry Thrasher; Fireman's Fund Insurance for Heartland Foods Management

■ **Caption:** Monica Owens v. Larry Thrasher and Heartland Foods Management d/b/a Pizza Hut



Andrew G. Mundwiller



Zane Cagle

■ **Plaintiff's Attorneys:** Andrew G. Mundwiller and Zane Cagle, The Cagle Law Firm, St. Louis

■ **Defendants' Attorney:** Rebecca Schubert, Bingley, Hart & Hesi, St. Louis

SEARCH ONLINE AT [HTTP://VERDICTS.MOLAWYERSMEDIA.COM](http://verdicts.molawyersmedia.com)

the plaintiff alleged.

"Obviously, if he makes 15 deliveries in an evening, you get paid more than you if you made 10 plus your hourly wage," Cagle said.

The defendant's expert, Dr. Kevin A. Vaught, asserted that Owens' injuries predated the accident, according to the plaintiff's lawyers. In addition, the expert said the plaintiff's neck injury could not have

resulted from the rear-end collision because it was a low-speed impact.

The accident occurred in daylight under dry conditions, according to the Caruthersville Police Department report.

Rebecca Schubert, of Bingley, Hart & Hesi, represented the defendants. She did not return telephone calls seeking comment. **MO**

**“Just because there's no damage to the car doesn't mean somebody can't be hurt.”**

*Zane Cagle, plaintiff's attorney*