

MissouriLawyers

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■ \$600,000 SETTLEMENT

Widow in ATV accident settles with property owners

BY ALAN SCHER ZAGIER

Special to Missouri Lawyers Media

A Jefferson County woman injured in a May 2014 ATV accident in which her husband died has settled a suit against two southern Missouri property owners for \$600,000.

Amanda Zuniga sued Jerry and Sally Shackelford of Potosi in Washington County Circuit Court in November, six months after the death of 37-year-old Paul Zuniga.

According to the suit, Paul Zuniga was driving his Polaris 500 all-terrain vehicle across the Shackelford's front yard with his wife as a passenger when he was "clotheslined" by an unseen metal wire strung in the air between two trees.

The Zunigas, who were guests of the Potosi couple, were attempting to find the other members of their group after briefly riding a different trail that had been shown to them by one of the Shackelfords' grandsons, said plaintiff's attorney Gary

Burger of Cantor Burger in St. Louis.

Paul Zuniga, whom his attorney said stood up on the ATV to protect his wife from the wire, was violently flung off the vehicle and suffered multiple internal organ injuries. He was transported by helicopter to a St. Louis hospital, where he went into cardiac arrest and died from his injuries. Amanda Zuniga's injuries included broken ribs.

The suit was settled in mid-June for the Shackelfords' liability policy limits with The Hartford Insurance Co. after a 30-day, time-limited demand, said Burger, who acknowledged that his client's blood-alcohol level of 0.18 at the time of the accident hindered him from pursuing "much greater" damages.

The settlement included \$240,000 in structured payments for Zuniga's three children that Burger said will help pay for college and their first homes.

Defense lawyers representing the insurance company did not respond to interview requests.

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Gary K. Burger

WRONGFUL DEATH, PREMISES LIABILITY

■ **Venue:** Washington County Circuit Court

■ **Case Number/Date:** 14WA-CC00477/
June 15, 2015

■ **Judge:** Wendy L. Wexler Horn

■ **Insurance:** The Hartford

■ **Caption:** Amanda Zuniga, individually and as wife of deceased Paul Zuniga v. Jerry and Sally Shackelford

■ **Plaintiff's Attorney:** Gary K. Burger, Cantor & Burger, St. Louis

■ **Defendants' Attorney:** Peter M. Westhoff, Law Offices of Patricia M. Caragher, St. Louis