

# Missouri Lawyers

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## WEEKLY

■ \$765,000 SETTLEMENT

## Volunteer fire department settles after fatal collision

### WRONGFUL DEATH, MOTOR-VEHICLE COLLISION

- **Venue:** Washington County Circuit Court
- **Case Number/Date:** 18WA-CC00395/ Nov. 14, 2019
- **Judge:** Jerel Poor II
- **Caption:** Amy Van Doren, as spouse of decedent, Paul Van Doren v. Devon DeClue and Potosi Fire Protection District
- **Plaintiffs' Attorney:** Gary Burger, Burger Law, St. Louis
- **Defendants' Attorney:** John Mazzei, Brown & James, St. Louis

**BY ALAN SCHER ZAGIER**

*Special to Missouri Lawyers Media*

The widow of a 40-year-old Potosi man killed while trying to redirect traffic at an accident scene settled a wrongful-death suit for a total of \$765,000 against the local volunteer fire department and the 18-year-old EMT who struck the man while responding to the crash.

According to the complaint and a Missouri State Highway Patrol accident report, Paul Van Doren and his wife, Amy, were driving home from visiting their nephew on the afternoon of April 8, 2018, when they encountered a wreck on Missouri Highway 185 in Washington County.

St. Louis plaintiff's attorney Gary Burger said his client was walking in the center of the highway to flag oncoming vehicles when he was struck by a 2009 Chevy Silverado 1500 pickup truck operated by Devon DeClue. The teen driver was responding to the crash while traveling in the opposite direction on the rural highway.

"Being the kind of guy Paul was, he stopped his car and got out to help," Burger said of the victim, who worked in St. Louis for the state Division of Probation and Parole and was the father of three sons, ages 2, 12 and 14.

DeClue told Highway Patrol troopers that he was unable to stop in time to avoid first hitting another stopped vehicle,



**Gary Burger**

then skidding across the center line and striking Van Doren as he tried to run away.

In its report, the Highway Patrol described DeClue as "inattentive to the roadway ahead." Several witnesses reported that he was traveling at an excessive speed. An accident reconstruction estimated that DeClue was driving at least 60 mph in a 45-mph zone, Burger said.

No criminal or traffic charges were filed against DeClue. A defense attorney representing the volunteer fire department and DeClue did not respond to a request for comment.

A wrongful-death settlement approved in mid-November provides slightly more than \$250,000 to Amy Van Doren, with each of the couple's three sons receiving \$84,177 through structured settlements. The balance of the settlement is reserved for court costs, attorneys' fees and two unpaid medical liens.