

## JSH'S MIKE HALVORSON & ERICA SPURLOCK OBTAIN DEFENSE VERDICT IN WRONGFUL DEATH SUIT



Jones, Skelton & Hochuli, PLC is pleased to announce that partner [Mike Halvorson](#)

and associate attorney [Erica Spurlock](#) obtained a defense verdict in *Lesmeister v Gauthier* – a wrongful death, personal injury, and negligent infliction of emotional distress lawsuit stemming from a two-vehicle accident.

On November 23, 2016, Chacey Lesmeister was driving his father, Pat Lesmeister; grandmother, Arlyss Lesmeister; and girlfriend, Kayla to dinner in Mesa, Arizona, and was traveling eastbound on Guadalupe Road with the intention of turning north on Power Road. Facing a green light, Chacey turned left and was hit on the passenger side by Don Gauthier, who was driving westbound on Guadalupe Road. Arlyss Lesmeister died as a result of the collision and her family subsequently brought suit against Defendant Gauthier for wrongful death claims. Pat and Chacey Lesmeister brought additional personal injury and emotional distress claims, seeking further damages for witnessing the passing of a close family member.

Plaintiffs Chacey Lesmeister and Pat Lesmeister, along with Pat's two brothers, argued Gauthier had entered the intersection at excessive speed from the designated right-turn-only lane. Plaintiffs specifically argued that Gauthier unexpectedly drove straight into the intersection after they observed him enter the designated right-turn-only lane, and after Plaintiffs' vehicle was almost completely through the turn.

Plaintiffs presented arguments that the roadway evidence established that the point of impact was within the continuation of the right-turn-only lane, and that Gauthier was inattentive as he had sufficient time and distance to observe the Plaintiffs' turning vehicle prior to entering the intersection. Thus, Gauthier could have either safely slowed to allow Plaintiffs' vehicle to pass, or he could have continued with his right turn as he was legally required to do rather than suddenly going straight into Plaintiffs' turning vehicle. The Plaintiffs sought an award of \$1 million for each wrongful death beneficiary, \$100,000 each for Pat and Chacey for personal injuries, and negligent infliction of emotional distress claims, for a total award of \$3.2 million.

Halvorson and Spurlock represented Gauthier in the litigation. The parties called 12 witnesses over the course of a five-day trial, including experts and the investigating detective in the Vehicular Crimes Unit. During the course of trial, the defense was able to reconstruct the accident to show that Gauthier entered the intersection on a green light – at or below the speed limit – from a through lane and had no opportunity to avoid the accident. After approximately an hour of deliberation, the jury returned a unanimous verdict in favor of Gauthier as to all of Plaintiffs' claims.

Because the defense filed Offers of Judgment in the case, the defense sought a post-judgment award of \$42,527.02 for their costs and expert fees. In consideration of the defense foregoing the collection of this amount, Plaintiffs agreed to waive any rights to appeal.

Halvorson has mediated, arbitrated, and tried a wide variety of cases largely focused on trucking and transportation, product liability, dram shop, motor vehicle, and premises liability defense. In addition, he Co-Chairs the firm's Transportation, Auto, Products and General Liability Trial Group, and he is a frequent presenter at industry seminars and conferences.

Spurlock focuses her litigation practice in the areas of automobile, commercial trucking, and other personal injury, wrongful death, and general liability defense. She represents healthcare providers involved in mental health cases, overseeing Court Ordered Treatment Plans, and other Title 36 matters.