

Missouri Lawyers

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WEEKLY

■ \$175,000 SETTLEMENT

Lawyers prove dual residence in wrongful death case

WRONGFUL DEATH

- **Venue:** St. Clair County (Illinois) Circuit Court
- **Case Number/Date:** Confidential/June 22, 2016
- **Insurer:** State Farm for defendant, American Family for plaintiffs
- **Caption:** In The Matter of The Estate of "confidential" v. American Family
- **First Demand:** \$175,000
- **First Demand Detail:** \$75,000 from each of two underinsured motorist policies, one issued to mother of deceased child and one issued to father of deceased child. \$25,000 from liability carrier State Farm
- **Last Demand:** \$175,000
- **Last demand details:** Policy limits
- **First offer:** \$100,000
- **First offer details:** One UIM policy with set-off for \$25,000 liability settlement and liability settlement of \$25,000
- **Last offer:** \$175,000
- **Last offer detail:** Both UIM policy limits with set-off of liability coverage amount and \$25,000 from liability
- **Plaintiffs' attorney:** Richard A. Faulstich, Faulstich Law Firm, Clayton
- **Defendants' attorney:** Marcus Raymond, American Family Insurance, St. Louis

BY CATHERINE MARTIN

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Lawyers reached a \$175,000 settlement for the family of a 16-year-old fatally hit by a car while riding his bike in a case that yielded a larger sum due to dual residency.

The 16-year-old Missouri resident was visiting his father in Illinois when he was struck by a 1986 Grand Marquis, driven by a 27-year-old Missouri resident, on St. Louis Road in St. Clair County.

The driver said in the police report that his dash lights went out prior to the crash and he looked down, said Richard A. Faulstich, who represented the plaintiffs. The collision threw the boy a huge distance, Faulstich said, and there was some evidence the driver was speeding.

The boy was pronounced dead at the scene.

"Really, a failure to look out and excessive speed was the negligence on the driver," Faulstich said.

The unusual aspect of the case, he said, was proving the dual residency of the 16-year-old, who had divorced parents and spent time at each house.

"We were able to access both underinsured motorist policies," Faulstich said, noting that the driver had a \$25,000 limit on his policy.



Richard A. Faulstich

Faulstich said he proved dual residency with evidence that the 16-year-old kept clothes at each house, and "grooming things," like toothbrushes and hairbrushes, which he presented to the in-

surance company.

Faulstich noted that he had never run across dual residency before. His wife, Lisa Faulstich, who practices family law, was able to help him.

"It mixed family law with personal injury law," he said.

A representative from American Family Insurance said the company doesn't comment on specific claim settlements. **MO**