



Victim, 38, turned down settlement before trial

LINDA SATTER ARKANSAS DEMOCRAT-GAZETTE

A Pocahontas woman who was awarded \$9 million last week by a federal jury in a 2012 traffic accident turned down a \$1.6 million settlement offer just before the trial began, her attorney said Tuesday.

Roger Dreyer of Sacramento, Calif., who represented Kerry Hogland in a nine-day jury trial in Jonesboro, said the offer was made by adjusters for Argo, an insurance company that provided excess coverage through its New York office for Town & Country Grocer of Fredericktown, Mo.

"They didn't think a jury in northeast Arkansas would appreciate the nature of the loss," Dreyer said, noting that his client suffered severe brain injuries, losing part of her temporal lobe, after her car was broadsided by a van driven by a grocery chain employee Aug. 7, 2012. The employee, Douglas Bounds, slammed into the car after failing to stop for a stop sign on a U.S. 67 exit ramp.

Hogland, then 36, was driving east on Arkansas 412 in her 2006 Nissan Maxima, with her 12-year-old son in the front passenger seat and her two younger sons in the back seat. The impact knocked the car across three lanes of traffic and into a field, leaving all the car's occupants injured. Kerry Hogland suffered the most severe injuries.

Dreyer and attorney Brett McDaniel of Jonesboro represented Hogland, now 38, during a nine-day jury trial focused on the amount of damages the grocery chain should pay, since the chain had already admitted liability. U.S. Magistrate Judge Tom Ray presided over the trial.

Jurors returned a verdict of more than \$9.1 million for Hogland and her oldest son on various claims, including pain and suffering, medical expenses and her lost income, despite the fact that Hogland continues to work part-time as an ultrasound technician for NEA Baptist Memorial Hospital in Jonesboro. The younger boys suffered lesser injuries, and the grocery store chain settled their cases for about \$10,000 apiece before the trial.

Dreyer said he didn't want Hogland, who continues to suffer from cognitive impairments, to have to endure a trial, but "we were forced to trial by the insurance company never negotiating fairly with us."

Attorneys Jonathan Baker of Little Rock and Stephen Heil of Chicago, who represented the grocery chain after being retained by Argo and Farmer's Insurance, the chain's primary insurer, didn't return telephone calls seeking comment Tuesday.

Attorney Stuart Miller of Little Rock, who was listed on court documents as the lead defense attorney, said Tuesday that he has not been an attorney on the case for about a year and a half. He represented the grocery chain in the 2014 lawsuit brought by Hogland before Baker and Heil took over.