

Man injured by gas-powered saw accident case settles without lawsuit

Published: April 16, 2012

By [Alan Scher Zagier](#)

Special to Missouri Lawyers Weekly

A 59-year-old northwest Missouri man has received a \$700,000 insurance settlement after severely injuring his leg in a May 2010 farming accident.

Larry A. John, of Maryville, was helping Harold Wilmarth remove trees and clear brush on a rural Nodaway County tract owned by a Wilmarth family trust. Wilmarth was using a gas-powered saw to cut down the trees, with John trailing behind to chemically treat the stumps to prevent regrowth, said Jeremy Webb, John's attorney.

John was injured when Wilmarth lost control of the saw.

"It kicked back, he was unable to control it and it spun back 180 degrees and hit my client in the leg," Webb said.

The single wound was a deep cut that severed multiple muscles, tendons, ligaments and other soft tissue, Webb explained. John, a retired factory worker, was initially hospitalized for 15 days and required multiple surgeries followed by home health care and physical therapy for nearly a year. His medical costs exceeded \$79,000, and he was unable to return to work, Webb said.

"Physical labor is all that Larry has ever known," his attorney said.

John filed an insurance claim against Wilmarth and the Joy Wilmarth Trust seeking compensation for lost wages, future medical expenses, loss of future earnings and compensation for a permanent injury that limits his control of his left leg and foot, which Webb described as "drop foot."

The claim was filed soon after the incident but wasn't settled until late December, primarily because of John's extended medical recovery.

The insurer didn't use an attorney to resolve the claim. A Nationwide Mutual Insurance Co. adjuster declined to comment, citing company policy.

- \$700,000 settlement, Premises liability
- **Venue:** Nodaway County Circuit Court
- **Case Number/Date:** Not filed/Dec. 20, 2011
- **Special Damages:** \$79,000 in medical costs
- **Insurer:** Nationwide Mutual Insurance Co.
- **Caption:** Larry and Kamala John v. Harold Wilmarth and Joy Wilmarth Trust
- **Plaintiff's Attorneys:** Jeremy L. Webb and Quint Shafer, Shafer & Welch, Weston
- **Defendant's Attorney:** None