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The Advocate

EBR Jury Awards \$1.6 Million to Survivor in Fatal Accident

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The 11-year-old daughter of a woman killed four years ago was awarded \$1.6 million after a weeklong trial stemming from a car crash that involved a speeding, off-duty Baton Rouge Police officer.

Jurors deliberated for more than seven hours before returning the verdict Tuesday night in state District Judge Curtis Calloway's court.

Jurors found the Scenic Chevron and its insurance company, Evanston Insurance Company, 80 percent liable for the accident because signs on the property obstructed the view of Melissa Benton, who died in the accident.

The jury placed 20 percent of the liability on the speeding police officer, Paul Rhea. The city-parish and Rhea, who is still on the force, settled the case with the daughter for \$325,000 before the start of the trial.

The jury verdict form says the daughter, Jonqualya Benton, who was 7 at the time of the wreck, should receive \$2 million. but because she already has settled with Rhea, she is entitled to 80% of the jury's award - which is \$1.6 million.

Jurors also awarded \$800,000 to Jimmy Thomas, a friend of Benton's, and his son. Jimmy Thomas was

injured in the wreck; his son received a loss of consortium damage award.

The jury's award for Thomas and his son was \$1 million. They get 80

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percent, or \$800,000.

City-parish attorneys and Rhea also have agreed to settle claims with Thomas for \$325,000, but the Metro Council has not yet approved the settlement.

Dave Kimmell, the attorney for the insurance company, said Wednesday that he and his client "are disappointed with the judgment."

"We are assessing what our next course of action will be," he said.

Chevron had signs on its property that were in violation of the city-parish sign ordinance because they blocked motorists' view of oncoming traffic.

Kimmell told jurors all blame for the accident should be placed on Rhea, who was speeding on Scenic Highway. The posted speed limit in the area of the accident is 45 mph. Rhea was traveling between 70 and 88 mph, he said.

The accident occurred at 78th Street and Scenic Highway about 5:45 a.m. on Feb. 15, 2003.

Benton, 32, was driving Thomas to work and her daughter was in the back seat.

When Benton tried to get across Scenic Highway, her Nissan Sentra was broadsided by Rhea's police cruiser, a 2003 Chevrolet Impala, attorneys said.

Benton died in the wreck. Thomas had a broken leg and a separated shoulder, both of which required surgery. The daughter suffered a fractured vertebra, attorneys said.

Thomas' attorney, Jerry McKernan, said the jury "recognized this was a great loss," and they understood who was responsible.

"This was a wonderful woman," he said.