

2007 WL 4934321 (Minn.Dist.Ct.)

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WEST'S JURY VERDICTS - MINNESOTA REPORTS

Jury Finds 2 of 4 Drivers Negligent in MVA, Awards \$0

District Court of Minnesota, Tenth Judicial District, Sherburne County.

**Evans v. Stefano**

**Type of Case:**

Vehicle Negligence • Motor Vehicle v. Motor Vehicle  
Vehicle Negligence • Phantom Vehicle

**Specific Liability:** Negligence of four drivers, including the driver of a phantom vehicle, caused motor vehicle accident

**General Injury:** Physical injuries, medical expenses

**Jurisdiction:**

State: Minnesota  
County: Sherburne

**Related Court Documents:**

Defendant Stefano's answer: [2006 WL 5348389](#)  
Defendant Buffum's answer: [2006 WL 5348390](#)  
Defendant Mooney's answer: [2006 WL 5348392](#)  
Defendant Stefano's informational statement: [2006 WL 5348391](#)  
Verdict form: [2007 WL 4857555](#)

**Case Name:** Allen F. Evans v. Michael W. Stefano, Dwight M. Buffum and Terry C. Mooney

**Docket/File Number:** 71-C1-06-002022

**Verdict:** Plaintiff, \$0

**Verdict Range:** \$0

**Verdict Date:** Dec. 20, 2007

**Judge:** [Alan F. Pendleton](#)

**Attorneys:**

Plaintiff: [Patrick R. Gillespie](#), Gillespie Law Office, Rogers, Minn.  
Defendant (Stefano): [Joseph R. Klein](#), St. Paul, Minn.  
Defendant (Buffum): John L. Corey, Brett W. Olander & Associates, St. Paul, Minn.  
Defendant (Mooney): [Matthew M. Johnson](#), Johnson & Condon, Minneapolis, Minn.

**Trial Type:** Jury

**Breakdown of Award:**  
\$0

**Summary of Facts:**

Allen Evans was reportedly involved in a motor vehicle accident in September 2004.

Evans filed a lawsuit in Sherburne County District Court seeking damages from Michael Stefano, Dwight Buffum and Terry Mooney. Evans sought compensation for past and future medical expenses and past and future pain, disability and emotional distress.

Stefano generally denied negligence. He stated the plaintiff failed to meet the tort thresholds of the Minn. No-Fault Automobile **Insurance Act**. Stefano alleged the plaintiff's injuries and damages were caused by the negligence of the

plaintiff or a third party over whom Stefano had no control. The plaintiff also stated the accident was the result of an unexpected event not caused by Stefano's actions or an unavoidable accident.

Buffum and Mooney separately alleged the accident was caused by the negligence of the plaintiff or the other co-defendants. Buffum filed a cross-claim against Stefano and Mooney seeking judgment for contribution and/or indemnity in the event of an award of damages.

A jury found on Dec. 20, 2007 that Stefano was negligent in the operation of the vehicle he was driving at the time of the accident and such negligence was a direct cause of the accident. The jury also found that a phantom vehicle "Red Truck" was negligent at the time of the accident and such negligence was direct cause of the accident. The panel did not find Buffum or Mooney negligent in the operation of their vehicles.

The jury attributed 60 percent of the total negligence to Stefano and 40 percent to the phantom vehicle "Red Truck." The jury determined that \$0 would fairly and adequately compensate Evans for damages directly caused by the accident.

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