

## Negligence

### **Snowmobiler hit by another snowmobile: Negligence in leaving marked path, going too Fast: Collapsed lung: Fractures: Verdict.**

*Stamm v. Prochow, Wis., Walworth County Cir. Ct.,  
No. 02-CV-650, Jan. 13, 2004.*

Stamm, 24, was snowmobiling with his friends. He had designated a spot at the bottom of a hill as the meeting point, and he turned off a marked path to get to that spot. Another snowmobiler also left the marked path and crested the hill traveling between 30 and m.p.h. The snowmobiler collided with Stamm, who was already at the bottom of the hill.

Stamm suffered a liver and spleen laceration and a collapsed lung, requiring that he temporarily be put on life support. He also sustained several fractures to his ribs, hand, and vertebrae, among other places. His past medical expenses were about \$ 353,500. A credit analyst earning \$40,000 annually, Stamm incurred approximately \$21,100 in lost income.

Stamm sued the driver of the other snowmobile, alleging negligence in traveling too fast and leaving the parked path. Plaintiff also alleged improper lookout.

Defendant contended plaintiff was negligent in that he picked a poor meeting place, and that he was comparatively negligent for leaving the marked path himself.

A jury awarded plaintiff about \$814,600, but found Stamm 30 percent comparatively negligent and reduced the award to approximately \$570,200.

Plaintiff's experts were Gary Gilbertson, snowmobile safety and engineering, Fond du Lac, Wis.; and John Heinrich, orthopedics; John Wedigelt, trauma surgery; William Dzwierzynski, hand surgery; and Kathy Howell, physical therapy, all of Milwaukee, Wis.

Defendant's experts was Robert Tucker, snowmobile safety, Phineland, Wis.

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