

# Missouri Lawyers WEEKLY

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## Hotel patron raped in her room recovers \$1M

*Confidential parties agreed to settlement before suit filed*



Steve Garner

A hotel patron who was forced into her room and raped has settled her case against the hotel for \$1 million. The confidential parties agreed to the settlement before suit was filed.

“There are inexpensive means to monitor hallways and make the premises safe,” said Springfield plaintiff’s attorney Steve Garner, suggesting that those who represent hotels and motels encourage their clients to use such means.

The parties reached the \$1 million settlement despite less than \$17,000 in special damages. “It is important not to value cases based solely upon the financial loss,” Garner said.

The plaintiff, a 26-year-old project engineer from out-of-state, was visiting Springfield on business in March 2008. After completing her business, she was leaving her room at an undisclosed hotel early in the morning to head to the airport.

As she opened the door and exited her room, she was grabbed by a man who had been standing outside the doorway and looking in through a peephole that he had removed. She was taken back into the room and raped. The rapist then watched her shower and left.

The incident was reported to law

enforcement. A former Missouri correctional officer was arrested in October 2008 and charged with sexually assaulting the plaintiff and five other women during an eight-year period. A trial date has not yet been set in the criminal prosecution.

During the plaintiff’s attack, she was threatened that if she did not cooperate, she would be killed with a knife the rapist claimed to have.

The plaintiff was unable to return to work for six weeks following the rape. She was diagnosed with post-traumatic stress disorder and continues to have vivid memories of the incident, nightmares, occasional depression and fear.

The plaintiff alleged that security at the defendant hotel was totally inadequate. Although exterior entryways were key-coded, this safety method had been disabled so that the assailant could obtain entry into the hotel from other than the main entry.

The plaintiff further claimed the halls

were not monitored by video cameras or guards. There was allegedly no security system in place to assure guests would not be assaulted by anyone coming into the hotel off the streets.

The hotel contended that its security was adequate. Furthermore, the hotel argued that that plaintiff’s medical expenses and lost wages were not high and that she had returned to work.

The plaintiff and the hotel exchanged information freely before suit was filed. The plaintiff’s counsel traveled to an informal mediation directly with the hotel’s insurance carrier.

The parties agreed to the \$1 million without litigation. This spared the hotel from exposure above the policy limits and protected the plaintiff from additional emotional distress, Garner said.

A representative for the insurance carrier declined to verify any details about the settlement.

— Anne C. Vitale

### \$1 million settlement

#### PERSONAL INJURY/ RAPE

■ **Case Number/Date:** Not filed/April 27, 2009

■ **Special Damages:** \$6,634 medical expenses; \$10,000 lost wages

■ **Insurer:** Confidential

■ **Caption:** Jane Doe v. confidential hotel

■ **Plaintiff’s Attorneys:** Steve Garner and Rachael Dockery, Strong-Garner-Bauer, Springfield

■ **Defendant’s Attorneys:** None