

Fire truck crash costs Stow \$3.8 million

By Richard McBane
Beacon Journal Staff Writer

The city of Stow today agreed to pay \$3.8 million to the parents of a 5-year-old girl who suffered permanent brain damage when their car was struck last January by a fire truck.

"We have a tragedy here. Money has been exchanged to relieve the family from their burden," said William Michaels, the city's attorney.

David and Ruth Ann Walter will be paid \$1 million immediately under terms of a settlement announced in Summit County Common Pleas Court.

The Walters also will receive \$5,000 a month for at least 30 years to care for their daughter, Elizabeth, who is in a coma.

A second, lump-sum payment of \$1 million will be made to the parents after that time.

The monthly payments, however, will continue as long as the girl lives.

"The family wants to put this behind them," said attorney Tim Scanlon. "They have accepted Betsy as a very special child, and wanted to end the uncertainty

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and litigation."

How much of the settlement actually will be paid by the city and how much will be paid by its insurance company could not be ascertained, but the city has at least \$4 million liability coverage.

Mr. and Mrs. Walters, of Washington, Ill., filed a \$3.5 million lawsuit after their car was struck Jan. 1, 1982, by a Stow fire truck that ran a red light at the intersection of Darrow and Kent roads.

Walter, his wife and two other children also were injured.

The city has said the fire truck was answering an emergency call and, therefore, Stow was immune from liability under Ohio law.

But according to a tape-recording of communications between dispatchers and the truck, the emergency had been called off and the truck crew was told to go station No. 1 on Darrow Road about 100 feet south of Kent road.

The driver of the fire truck then asked the dispatcher to open the rear door of the station.

Seconds later, the crash occurred.

While not admitting liability, Stow officials believed they would lose the lawsuit, Michaels said today.

"The status of the law in regard to the liability of cities is unclear. There was just too great a risk (of losing) to take the case to a jury," he said.

A jury had been picked Monday to hear the case. Today was to have been the third day of testimony on the lawsuit.

Mayor C. Paul Hutchinson declined to comment on the settlement.

Michaels last month won a \$5.5 million settlement for the family of a 9-year-old Akron boy who was paralyzed after an accident May 14, 1981, on the East Expressway.

The settlement, the largest in Summit County history, is to be paid by a Toledo trucking company.

It was the second major traffic-related lawsuit brought against Stow in recent years.

Last October, Brenda Klever, 19, received a \$1.1 million out-of-court settlement after she was

paralyzed from the neck down in an accident on Hudson Drive in May 1980.

She had sued for \$9.1 million, claiming the city was responsible for the accident because it failed to repair the roadway.

In April 1981, a Summit County Common Pleas jury awarded

Miss Klever \$5.1 million, but 5th District Court of Appeals ordered a new trial.

The \$1.1 million settlement reached before the second trial was held. That settlement also being contested by attorneys Miss Klever.