

I-35 Accident Kills Polo Man

Accidents

Posted by : Tom

Posted on : 2014/1/17 11:33:03

An early morning accident Friday on Interstate 35 has claimed the life of 31-year old Bradley Abeln of Polo, and injured 32-year old Joshua Thomas of Hamilton.



The Missouri Highway Patrol said the two-vehicle accident occurred at 6:49 AM at mile marker 19.8 on Interstate 35 (in Clay County near Liberty). Vehicles driven by 45-year old Pamela Wilson of Gallatin and 31-year old Bradley Abeln of Polo were both southbound. The Wilson vehicle was in the passing lane and swerved to the right, striking the Abeln truck. The truck began to skid, struck the guardrail and overturned, ejecting both Abeln and his passenger, Joshua Thomas, from the vehicle.

Abeln was pronounced dead at 8 o'clock Friday morning at Liberty Hospital. Thomas was taken by ambulance to Liberty Hospital, with injuries described as SERIOUS by the Highway Patrol. Pamela Wilson escaped the collision without injury. The Missouri Highway Patrol was assisted by the Liberty Police Department at the scene of Friday morning's accident.

**MISSOURI STATE HIGHWAY PATROL
MISSOURI UNIFORM CRASH REPORT
TECHNICAL SUPPLEMENT**

CRASH DATE 01/17/2014	SUPP RPT DATE 01/17/2014	TRP / DIST / PCT A	COUNTY Clay	REPORT / CASE / INCIDENT NUMBER [REDACTED]
SUPPLEMENT REPORTING OFFICER Cpl. G. D. Ward		DSN / BADGE 1189	SUPPLEMENT REVIEWING OFFICER Sgt. H. A. Sears	
			DSN / BADGE 1200	

Section I - Synopsis

On Friday, January 17, 2014, at 1000 hours, I was notified of a fatality motor vehicle crash which had occurred in Clay County and necessitated a technical crash investigation per General Order. Trooper B. R. Sanson initiated the crash investigation and submitted the original crash report, indicating that it occurred on the January 17, 2014, at approximately 0640 hours on southbound Interstate 35 near the 19.8 mile marker, involving two vehicles and one fatality.

Vehicle #1 was a silver 2008 Mercury Mariner sport utility vehicle bearing Missouri registration [REDACTED], vehicle identification number [REDACTED], driven by Driver #1 as referred to in the original report. Vehicle #1 was owned by Driver #1. Driver #1 was not injured in the crash.

Vehicle #2 was a blue 1987 Ford Bronco II sport utility vehicle bearing Missouri registration [REDACTED], vehicle identification number [REDACTED], driven by Driver #2 as referred to in the original report. Vehicle #2 was owned by Driver #2. Driver #2 was killed in the crash.

Vehicle #2 contained one passenger at the time of the crash. Passenger #1 was seated in the right front passenger seat at the time of the crash. He sustained injuries classed in the original report as [REDACTED]

I arrived at the crash scene at approximately 1345 hours. The evidence at the scene included tire marks leading off the right side of the roadway, a second set of tire marks which traveled parallel to the roadway, damage to a metal guardrail, an imprint in the grass from Vehicle #2 as it overturned, and orange paint which denoted the final rest location of the Vehicle #2 axles.

Section II - Environmental Factors

The crash occurred on the southbound lanes of Interstate 35, classified as part of the federal interstate highway system and designated a north-south route, which in the area consists of two separate concrete surface roadways, one in each direction, separated by a grass median. The southbound roadway where the crash occurred measures approximately 24 feet in width and is divided into two lanes of nearly equal width by white paint line segments aligned near the roadway centerline. The passing lane

is bordered on the outside by a continuous yellow paint line and a concrete shoulder measuring about 9 feet in width, and median cables. The driving lane is bordered on the outside by a continuous white paint line, a concrete shoulder measuring approximately 10 feet in width and grass terrain beyond.

In the area of the crash, the southbound motorists are presented with a virtually level roadway as they approach a right hand curve. The curve has a radius of about 4163 feet.

The crash occurred during the early morning hours approximately 54 minutes before official sunrise under clear skies on a dry roadway with no atmospheric conditions present which would adversely affect driver visibility.

Interstate 35 is maintained by the Missouri Department of Transportation, 105 W. Capital Avenue, Jefferson City, Missouri, and has a posted speed limit of 70 miles per hour.

Global positioning coordinates for the crash location as reported by Trooper Sanson on the original report are [REDACTED].

Section III - Mechanical Factors

I examined Vehicle #1 at Wilde Auto and Recovery in Kansas City, Missouri, where it had been removed from the scene.

Vehicle #1 was equipped with integrated lap and shoulder belt restraints for the seat position occupied at the time of the crash. It was also equipped with front seat air bags which had not deployed. Driver #1's seat belt extended, latched and retracted when checked for operability.

Vehicle #1 exhibited damage to the right rear fender, right front door skin, right front fender, right front bumper cover and right front headlight assembly. An inspection of the headlight bulbs revealed tungsten deposits on the filament which indicates the headlights were activated at the time of the crash. The Vehicle #1 odometer displayed 150,262 miles at the time of the inspection.

Vehicle #2 exhibited rollover damage and extensive roof damage from a collision with the ground. The left, driver's side, door displayed extensive damage from a collision with the guardrail with the damage intruding into the space occupied by Driver #2.

Vehicle #2 was equipped with integrated lap and shoulder belt restraints for the seat positions occupied at the time of the crash. Driver #2 and Passenger #1 seat belts were locked in their fully

retracted position. The pretensioners had fired, locking the seat belts in the position where they were at the time of the crash. The Driver #2 and Passenger #1 seat belt buckles were located on the floorboard stuck between the front row seats. The buckles latched and unlatched when checked for operability. The Vehicle #2 odometer displayed 69,427 miles at the time of the inspection.

Section IV - Human Factors

Driver #1, a 45-year old female, possessed a valid Missouri class [REDACTED] at the time of the crash, number [REDACTED], due to expire on [REDACTED]. She was reportedly making use of available seat belt restraints for her seat position at the time of the crash. She reportedly was not injured in the crash.

Driver #1 told [REDACTED] at the crash scene, "I have been on night shifts for 12 years. I just switched to day shifts. I had hit the rumble strips on the left side numerous times. I was yelling at myself to try to stay awake. I was in the left lane when I fell asleep. I woke up to a big bang in the middle of the roadway alongside another vehicle. I tried to get back over, and then pulled over to the shoulder."

Driver #2, a 31-year old male, possessed a valid Missouri class [REDACTED] at the time of the crash, number [REDACTED], due to expire on [REDACTED]. He was reportedly not making use of the available seat belt restraints for his seat position at the time of the crash. He was reportedly partially ejected through the rear of the vehicle.

Driver #2 was transported to the Liberty Hospital by the Liberty Emergency Medical Service. At 0800 hours, [REDACTED] pronounced Driver #2 dead at the Liberty Hospital.

Passenger #1, 32-year old male, was reportedly not making use of the available seat belt restraints for his seat position at the time of the crash and sustained injuries classed as "Disabling". He was totally ejected through the rear of the vehicle.

Passenger #1 was transported to the Liberty Hospital by the Liberty Emergency Medical Service.

Two independent witnesses to the collision were identified and their statements are listed on Trooper Sanson's original crash report.

Section V - Scene Investigation

On January 17, 2014, I examined the crash scene and also charted the scene using assigned electronic mapping instruments.

The evidence at the crash scene indicated Vehicle #1 was traveling southbound on Interstate 35 partially in the left, passing, lane and partially in the right, driving, lane when it struck the left side of southbound Vehicle #2 in the driving lane. Vehicle #2 rotated clockwise, slid in a southwest direction, traveled of the right side of the driving lane, across the southbound shoulder, struck a guardrail end, overturned, struck the ground and came to rest facing north. Vehicle #1 remained partially in the driving and passing lane after impact and came to a controlled stop on the southbound shoulder.

Section VI - Findings

Using computer generated graphics of the crash scene, along with evidence observed at the scene and damage to the vehicles, determinations were reached concerning the crash situation, also depicted in the attached scale diagram.

Tire mark evidence observed on the roadway indicates Vehicle #1 was facing south when it entered the driving lane, occupied by southbound Vehicle #2, and struck Vehicle #2. Vehicle #2 was facing west when it struck the guardrail end and facing northwest when it began to overturn.

Evidence at the scene along with computer graphic analysis, indicates Vehicle #2 overturned one full revolution and came to rest on its wheels in a north facing.

Vehicle #1 and Vehicle #2 were not equipped with supported ECM modules and could not be imaged.

Section VII - Event Analysis

According to determination reached in this report, this crash occurred when Driver #1 failed to maintain the Vehicle #1 path of travel within the southbound passing lane. Vehicle #1 entered the driving lane as it was overtaking Vehicle #2 and struck the left side of Vehicle #2. Vehicle #2 rotated clockwise after the impact, slid off the right side of the roadway, struck a guardrail end, overturned and ultimately killed Driver #2.

That Driver #1 did survive the collision is attributable to her use of her seat belt restraints and her relative distance from the harshest of the direct collision engagement events.

That Driver #2 did not survive the collision is attributable to his close proximity to the harshest of direct collision engagements and the intrusion of the Vehicle #2 left door and guardrail into the space he occupied, considered in tandem with his lack of use of the seat belt restraint for his seat position.

That Passenger #1 did survive the collision is attributable to his relative distance from the harshest of the direct collision engagement events.

Section VII - Attachments

1. Photo log
2. Scale Diagram
3. Expert AutoStats Manufacture specifications for 1987 Ford Bronco II
4. Expert AutoStats Manufacture specifications for 2008 Mercury Mariner
5. Weather Data for Mosby, Missouri on January 17, 2014

Photo Log

Digital images DSCN0058 through DSCN0088 were taken by Sergeant B. A. Kumpf at the crash scene.

58. View of Vehicle #2 at rest, looking south.
59. View of impact area and tire marks, looking south.
60. Progressive view from previous view.
61. Progressive view from previous view. Note: Vehicle #1 final rest location just ahead of emergency lights which are visible in the background.
62. View of damaged guardrail and Vehicle #2 at rest, looking south.
63. Progressive view from previous view.
64. Progressive view from previous view.
65. View of Vehicle #2 from front.
66. View of Vehicle #2 from right front.
67. View of Vehicle #2 from right.
68. View of Vehicle #2 from right rear.
69. View of Vehicle #2 from rear.
70. View of Vehicle #2 from left rear.
71. View of Vehicle #2 from left.
72. View of Vehicle #2 from left. Note: Driver #2 door was pushed inward as a result of impact with guardrail.
73. View of Vehicle #2 from left front.
74. View of Vehicle #2 left rear fender area and damaged paint.
75. View of Vehicle #2 left rear fender area and damaged paint.
76. View of Vehicle #2 from left. Note: Driver #2 door was pushed inward as a result of impact with guardrail.
77. View of damaged guardrail and tire marks, looking north.
78. Progressive view from previous view.
79. Progressive view from previous view.
80. Progressive view from previous view.
81. View of Vehicle #1 from left front.
82. View of Vehicle #1 from right front.
83. View of Vehicle #1 from right front.
84. View of Vehicle #1 right front door from right.
85. View of Vehicle #1 right rear fender from right. Note: Damage from impact with Vehicle #2.
86. View of Vehicle #1 right rear fender from right.

87. View of Vehicle #1 right front door from right. Note: Door skin is forced rearward.

88. View of Vehicle #1 from rear.

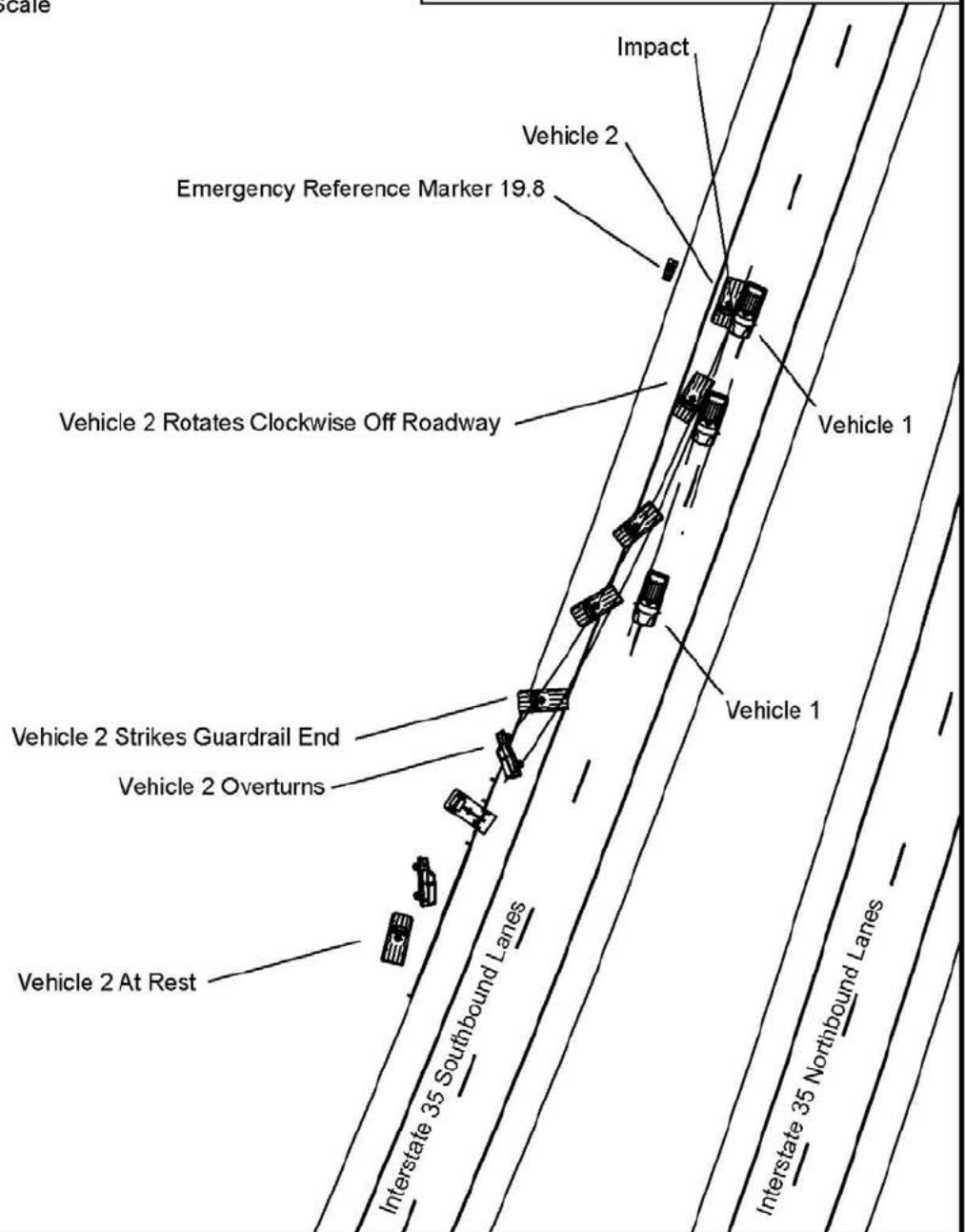
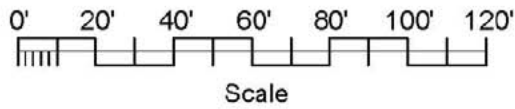
I took digital images DSC_0001 through DSC_0037 at Wilde Auto and Recovery in Kansas City, Missouri.

1. View of Vehicle #2 driver door from left.
2. View of Driver #2 seat belt and latch.
3. View of Vehicle #2 windshield from left.
4. View of Passenger #1 seat belt and latch.
5. View of Vehicle #2 interior from left. Note: Photograph taken by Trooper Sanson at my request. I am pointing at Driver #2 and Passenger #1 seat belt locations which are visible in next photograph.
6. View of Driver #2 and Passenger #1 seat belt buckles under seats. Note: Photograph taken from location of my hand in previous photograph.
7. View of Vehicle #2 odometer. Note: Odometer indicates 69427.5 miles.
8. View of Vehicle #2 left front headlight bulb.
9. View of Vehicle #2 left front headlight bulb. Note: Filament is stretched indicating the light was on at the time of the crash.
10. View of Vehicle #2 right front headlight bulb.
11. View of Vehicle #2 right front headlight bulb.
12. View of Vehicle #2 right front headlight bulb. Note: Filament is stretched indicating the light was on at the time of the crash.
13. View of Vehicle #2 right rear taillight bulb.
14. View of Vehicle #2 right rear taillight bulb.
15. View of Vehicle #2 left rear taillight bulb.
16. View of Vehicle #2 left rear taillight bulb.
17. View of Vehicle #2 vehicle identification number plate.
18. View of Vehicle #1 from front.
19. View of Vehicle #1 from left front.
20. View of Vehicle #1 from left.
21. View of Vehicle #1 from left rear.
22. View of Vehicle #1 from rear.
23. View of Vehicle #1 from right rear.
24. View of Vehicle #1 from right.
25. View of Vehicle #1 from right front.

26. View of Vehicle #1 vehicle identification number plate.
27. View of Vehicle #1 headlight switch.
28. View of Driver #1 seat belt, latch and buckle.
29. View of Driver #1 seat belt buckle.
30. View of Vehicle #1 right front headlight.
31. View of Vehicle #1 right front headlight. Note: Tungsten deposits on filament indicate light was activated at the time of crash.
32. View of Vehicle #1 left front headlight.
33. View of Vehicle #1 left front headlight. Note: Tungsten deposits on filament indicate light was activated at the time of crash.
34. View of Vehicle #1 left rear taillight bulb.
35. View of Vehicle #1 left rear taillight bulb.
36. View of Vehicle #1 right rear taillight bulb.
37. View of Vehicle #1 right rear taillight bulb.

January 17, 2014
0640 Hours
Clay County, Missouri

MSHP #: [REDACTED]
Major Crash Investigation Unit, Team #1



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Version 5.3.0

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MISSOURI STATE HIGHWAY PATROL - CRASH TEAM 1
 HHC P.O. BOX 517
 HIGGINSVILLE MO 64037

1/21/2014

1987 FORD BRONCO II 2 DOOR 4X4 UTILITY

Curb Weight: lbs. kg.
 Curb Weight Distribution - Front: % Rear: %
 Gross Vehicle Weight Rating: lbs. kg.
 Number of Tires on Vehicle:
 Drive wheels:

Horizontal Dimensions

	Inches	Feet	Meters
Total Length	<input type="text" value="158"/>	<input type="text" value="13.17"/>	<input type="text" value="4.01"/>
Wheelbase:	<input type="text" value="94"/>	<input type="text" value="7.83"/>	<input type="text" value="2.39"/>
Front Bumper to Front Axle:	<input type="text" value="28"/>	<input type="text" value="2.33"/>	<input type="text" value="0.71"/>
Front Bumper to Front of Front well:	<input type="text" value="12"/>	<input type="text" value="1.00"/>	<input type="text" value="0.30"/>
Front Bumper to Front of Hood:	<input type="text" value="2"/>	<input type="text" value="0.17"/>	<input type="text" value="0.05"/>
Front Bumper to Base of windshield:	<input type="text" value="43"/>	<input type="text" value="3.58"/>	<input type="text" value="1.09"/>
Front Bumper to Top of Windshield:	<input type="text" value="63"/>	<input type="text" value="5.25"/>	<input type="text" value="1.60"/>
Rear Bumper to Rear Axle:	<input type="text" value="36"/>	<input type="text" value="3.00"/>	<input type="text" value="0.91"/>
Rear Bumper to Rear of Rear Well:	<input type="text" value="20"/>	<input type="text" value="1.67"/>	<input type="text" value="0.51"/>
Rear Bumper to Rear of Trunk:	<input type="text" value="3"/>	<input type="text" value="0.25"/>	<input type="text" value="0.08"/>
Rear Bumper to Base of Rear Window:	<input type="text" value="3"/>	<input type="text" value="0.25"/>	<input type="text" value="0.08"/>

Width Dimensions

Maximum width:	<input type="text" value="68"/>	<input type="text" value="5.67"/>	<input type="text" value="1.73"/>
Front Track:	<input type="text" value="57"/>	<input type="text" value="4.75"/>	<input type="text" value="1.45"/>
Rear Track:	<input type="text" value="57"/>	<input type="text" value="4.75"/>	<input type="text" value="1.45"/>

Vertical Dimensions

Height:	<input type="text" value="68"/>	<input type="text" value="5.67"/>	<input type="text" value="1.73"/>
Ground to -			
Front Bumper (Top)	<input type="text" value="21"/>	<input type="text" value="1.75"/>	<input type="text" value="0.53"/>
Headlight - center	<input type="text" value="33"/>	<input type="text" value="2.75"/>	<input type="text" value="0.84"/>
Hood - top front:	<input type="text" value="40"/>	<input type="text" value="3.33"/>	<input type="text" value="1.02"/>
Base of Windshield	<input type="text" value="45"/>	<input type="text" value="3.75"/>	<input type="text" value="1.14"/>
Rear Bumper - top:	<input type="text" value="25"/>	<input type="text" value="2.08"/>	<input type="text" value="0.64"/>
Trunk - top rear:	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
Base of Rear Window:	<input type="text" value="48"/>	<input type="text" value="4.00"/>	<input type="text" value="1.22"/>

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1987 FORD BRONCO II 2 DOOR 4X4 UTILITY

Interior Dimensions

	Inches	Feet	Meters
Front Seat Shoulder Width	55	4.58	1.40
Front Seat to Headliner	40	3.33	1.02
Front Leg Room - seatback to floor (max)	44	3.67	1.12
Rear Seat Shoulder Width	56	4.67	1.42
Rear Seat to Headliner	39	3.25	0.99
Front Leg Room - seatback to floor (min)	35	2.92	0.89
Seatbelts:	3pt front, 2pt rear		
Airbags:	NO AIRBAGS		

Steering Data

Turning circle (Diameter)	396	33.00	10.06
Steering Ratio:	17.00:1		
Wheel Radius:	13	1.08	0.33
Tire Size (OEM):	205-75R15		

Acceleration & Braking Information

Brake Type:	FRONT DISC - REAR DRUM
ABS System:	ABS UNKNOWN

Braking, 60 mph to 0 (Hard pedal, no skid, dry pavement):

$$d = 205.0 \text{ ft} \quad t = 4.7 \text{ sec} \quad a = -18.8 \text{ ft/sec}^2 \quad G\text{-force} = -0.59$$

Acceleration:

0 to 30mph	t = 5.1 sec	a = 8.6 ft/sec ²	G-force = 0.27
0 to 60mph	t = 16.3 sec	a = 5.4 ft/sec ²	G-force = 0.17
45 to 65mph	t = 10.5 sec	a = 2.8 ft/sec ²	G-force = 0.09

Transmission Type: 5spd MANUAL

Notes:

Federal Bumper Standard Requirements: No Requirement
 This vehicles Rated Bumper Strength: 5 mph

N.S.D.C = 1984 - 1988

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1987 FORD BRONCO II 2 DOOR 4X4 UTILITY

Other Information

Tip-Over Stability Ratio =	1.05	Reasonably Stable
NHTSA Star Rating (calculated)		**

Center of Gravity (No Load):

Inches behind front axle	=	47.00
Inches in front of rear axle	=	47.00
Inches from side of vehicle	=	34.00
Inches from ground	=	27.13
Inches from front corner	=	82.35
Inches from rear corner	=	89.69
Inches from front bumper	=	75.00
Inches from rear bumper	=	83.00

Moments of Inertia Approximations (No Load):

Yaw Moment of Inertia	=	2033.34 lb*ft*sec ²
Pitch Moment of Inertia	=	2014.36 lb*ft*sec ²
Roll Moment of Inertia	=	486.16 lb*ft*sec ²

Front Profile Information

Angle Front Bumper to Hood Front	=	84.0 deg
Angle Front of Hood to windshield Base	=	7.0 deg
Angle Front of Hood to Windshield Top	=	23.1 deg
Angle of Windshield	=	46.4 deg
Angle of Steering Tires at Max Turn	=	27.2 deg

First Approximation Crush Factors:

Speed Equivalent (mph) of Kinetic Energy (KE) used in causing crush of indentation may be evaluated using the following formula, the appropriated Crush Factor (CF), and Maximum Indentation Depth (MID), in feet:

$$V(\text{mph}) = \sqrt{(30 * CF * MID)}$$

KE Equivalent Speed (Front/Rear/Side) = 21 CF

Bullet vehicle IMPACT SPEED estimation
based on TARGET VEHICLE damage ONLY = 27 CF
(Tested for Rear/Side Impact only)

These CF values are based upon analysis of NHTSA Barrier Crash data, and from over 1000 vehicle accidents where independant evaluation of speed was possible. (These are NOT 'A', 'B', 'C', or 'G' values)

The rear Impact data with more then 2-3 inches of crush damage should be looked at carefully, since some vehicles have very weak trunk & fender strength. Therefore, on some cars, especially GM, you estimate from the rear crush data may be high by as much as 4-5 mph (on a crush of 18 inches).

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MISSOURI STATE HIGHWAY PATROL - CRASH TEAM 1
 HHC P.O. BOX 517
 HIGGINSVILLE MO 64037

2008 MERCURY MARINER 4 DOOR 4X4 UTILITY

Curb Weight: lbs. kg.
 Curb Weight Distribution - Front: % Rear: %
 Gross Vehicle Weight Rating: lbs. kg.
 Number of Tires on Vehicle:
 Drive wheels:

Horizontal Dimensions

	Inches	Feet	Meters
Total Length	<input type="text" value="175"/>	<input type="text" value="14.58"/>	<input type="text" value="4.44"/>
Wheelbase:	<input type="text" value="103"/>	<input type="text" value="8.58"/>	<input type="text" value="2.62"/>
Front Bumper to Front Axle:	<input type="text" value="33"/>	<input type="text" value="2.75"/>	<input type="text" value="0.84"/>
Front Bumper to Front of Front well:	<input type="text" value="16"/>	<input type="text" value="1.33"/>	<input type="text" value="0.41"/>
Front Bumper to Front of Hood:	<input type="text" value="7"/>	<input type="text" value="0.58"/>	<input type="text" value="0.18"/>
Front Bumper to Base of windshield:	<input type="text" value="46"/>	<input type="text" value="3.83"/>	<input type="text" value="1.17"/>
Front Bumper to Top of Windshield:	<input type="text" value="71"/>	<input type="text" value="5.92"/>	<input type="text" value="1.80"/>
Rear Bumper to Rear Axle:	<input type="text" value="39"/>	<input type="text" value="3.25"/>	<input type="text" value="0.99"/>
Rear Bumper to Rear of Rear Well:	<input type="text" value="22"/>	<input type="text" value="1.83"/>	<input type="text" value="0.56"/>
Rear Bumper to Rear of Trunk:	<input type="text" value="5"/>	<input type="text" value="0.42"/>	<input type="text" value="0.13"/>
Rear Bumper to Base of Rear Window:	<input type="text" value="6"/>	<input type="text" value="0.50"/>	<input type="text" value="0.15"/>

Width Dimensions

	Inches	Feet	Meters
Maximum width:	<input type="text" value="71"/>	<input type="text" value="5.92"/>	<input type="text" value="1.80"/>
Front Track:	<input type="text" value="61"/>	<input type="text" value="5.08"/>	<input type="text" value="1.55"/>
Rear Track:	<input type="text" value="60"/>	<input type="text" value="5.00"/>	<input type="text" value="1.52"/>

Vertical Dimensions

	Inches	Feet	Meters
Height:	<input type="text" value="68"/>	<input type="text" value="5.67"/>	<input type="text" value="1.73"/>
Ground to -			
Front Bumper (Top)	<input type="text" value="28"/>	<input type="text" value="2.33"/>	<input type="text" value="0.71"/>
Headlight - center	<input type="text" value="33"/>	<input type="text" value="2.75"/>	<input type="text" value="0.84"/>
Hood - top front:	<input type="text" value="40"/>	<input type="text" value="3.33"/>	<input type="text" value="1.02"/>
Base of Windshield	<input type="text" value="45"/>	<input type="text" value="3.75"/>	<input type="text" value="1.14"/>
Rear Bumper - top:	<input type="text" value="27"/>	<input type="text" value="2.25"/>	<input type="text" value="0.69"/>
Trunk - top rear:	<input type="text" value="44"/>	<input type="text" value="3.67"/>	<input type="text" value="1.12"/>
Base of Rear Window:	<input type="text" value="46"/>	<input type="text" value="3.83"/>	<input type="text" value="1.17"/>

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2008 MERCURY MARINER 4 DOOR 4X4 UTILITY

Interior Dimensions

	Inches	Feet	Meters
Front Seat Shoulder Width	57	4.75	1.45
Front Seat to Headliner	40	3.33	1.02
Front Leg Room - seatback to floor (max)	42	3.50	1.07
Rear Seat Shoulder Width	56	4.67	1.42
Rear Seat to Headliner	39	3.25	0.99
Front Leg Room - seatback to floor (min)	36	3.00	0.91
Seatbelts:	3pt - front and rear		
Airbags:	FRONT SEAT AIRBAGS + SIDE AIRBAGS		

Steering Data

Turning circle (Diameter)	468	39.00	11.89
Steering Ratio:	:1		
Wheel Radius:	14	1.17	0.36
Tire Size (OEM):	P235/70R16		

Acceleration & Braking Information

Brake Type:	ALL DISC
ABS System:	ALL WHEEL ABS

Braking, 60 mph to 0 (Hard pedal, no skid, dry pavement):

$$d = 161.0 \text{ ft} \quad t = 3.7 \text{ sec} \quad a = -24.0 \text{ ft/sec}^2 \quad G\text{-force} = -0.75$$

Acceleration:

0 to 30mph	t =	sec	a =	ft/sec ²	G-force =			
0 to 60mph	t =	10.5	sec	a =	8.4	ft/sec ²	G-force =	0.26
45 to 65mph	t =	sec	a =	ft/sec ²	G-force =			

Transmission Type: 4spd AUTOMATIC

Notes:

Federal Bumper Standard Requirements: No Requirement

N.S.D.C = 2008 - 2011

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2008 MERCURY MARINER 4 DOOR 4X4 UTILITY

Other Information

Tip-Over Stability Ratio =	1.12	Reasonably Stable
NHTSA Star Rating (calculated)		**

Center of Gravity (No Load):

Inches behind front axle	=	44.29
Inches in front of rear axle	=	58.71
Inches from side of vehicle	=	35.50
Inches from ground	=	27.13
Inches from front corner	=	85.05
Inches from rear corner	=	103.96
Inches from front bumper	=	77.29
Inches from rear bumper	=	97.71

Moments of Inertia Approximations (No Load):

Yaw Moment of Inertia	=	2262.00	lb*ft*sec ²
Pitch Moment of Inertia	=	2263.00	lb*ft*sec ²
Roll Moment of Inertia	=	535.00	lb*ft*sec ²

Front Profile Information

Angle Front Bumper to Hood Front	=	59.7	deg
Angle Front of Hood to windshield Base	=	7.3	deg
Angle Front of Hood to Windshield Top	=	22.1	deg
Angle of Windshield	=	40.0	deg
Angle of Steering Tires at Max Turn	=	25.2	deg

First Approximation Crush Factors:

Speed Equivalent (mph) of Kinetic Energy (KE) used in causing crush of indentation may be evaluated using the following formula, the appropriated Crush Factor (CF), and Maximum Indentation Depth (MID), in feet:

$$V(\text{mph}) = \sqrt{(30 * CF * MID)}$$

KE Equivalent Speed (Front/Rear/Side) = 21 CF

Bullet vehicle IMPACT SPEED estimation
based on TARGET VEHICLE damage ONLY = 27 CF
(Tested for Rear/Side Impact only)

These CF values are based upon analysis of NHTSA Barrier Crash data, and from over 1000 vehicle accidents where independant evaluation of speed was possible. (These are NOT 'A', 'B', 'C', or 'G' values)

The rear Impact data with more then 2-3 inches of crush damage should be looked at carefully, since some vehicles have very weak trunk & fender strength. Therefore, on some cars, especially GM, you estimate from the rear crush data may be high by as much as 4-5 mph (on a crush of 18 inches).

Weather History for Mosby, MO

Friday, January 17, 2014

Friday, January 17, 2014

« Previous Day

January

17

2014

View

Next Day »

Daily

Weekly

Monthly

Custom

	Actual	Average (KMKC)	Record (KMKC)
Temperature			
Mean Temperature	24 °F	-	
Max Temperature	32 °F	37 °F	48 °F (1998)
Min Temperature	17 °F	21 °F	3 °F (2003)
Degree Days			
Heating Degree Days	40		
Moisture			
Dew Point	6 °F		
Average Humidity	52		
Maximum Humidity	80		
Minimum Humidity	21		
Precipitation			
Precipitation	0.00 in	-	- ()
Sea Level Pressure			
Sea Level Pressure	30.10 in		
Wind			
Wind Speed	13 mph (NW)		
Max Wind Speed	21 mph		
Max Gust Speed	30 mph		
Visibility	10 miles		
Events	Snow		

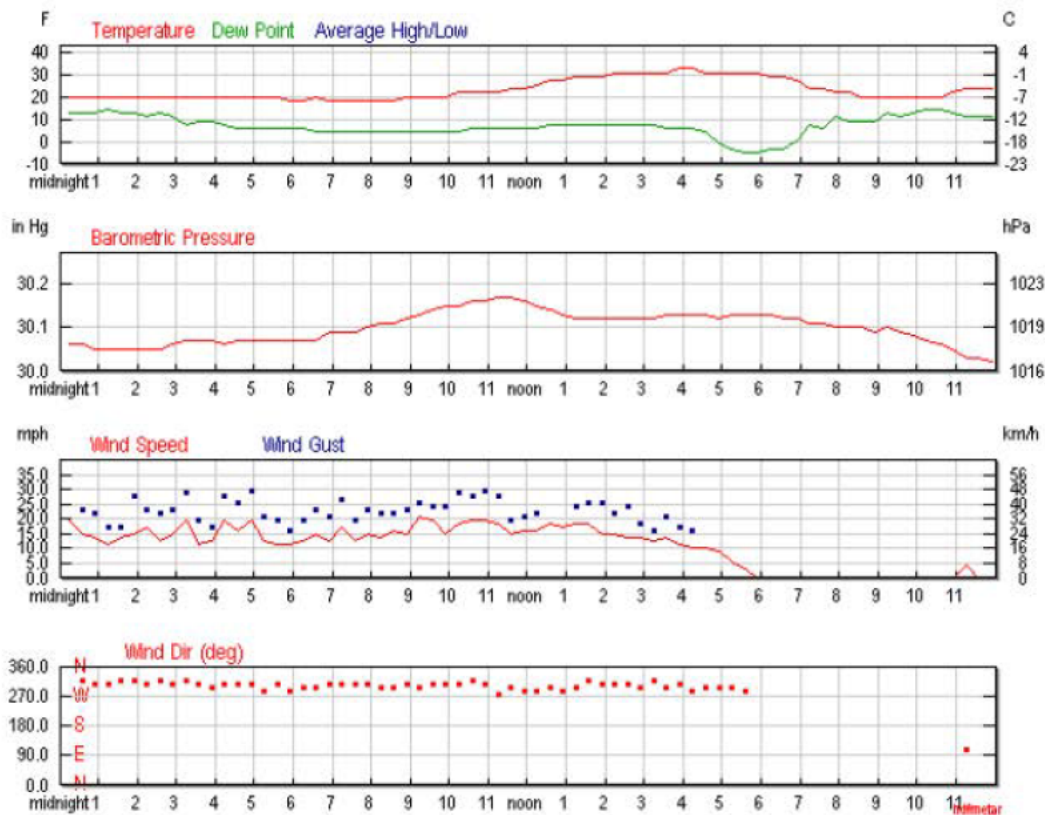
Averages and records for this station are not official NWS values.

Click here for data from the nearest station with official NWS data (KMC).

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

Seasonal Weather Averages



[Certify This Report](#)

Hourly Weather History & Observations

Time (CST)	Temp.	Windchill	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Et
12:15 AM	19.4 °F	3.6 °F	12.2 °F	74%	30.06 in	7.0 mi	NW	19.6 mph	26.5 mph	N/A	
12:35 AM	19.4 °F	5.5 °F	12.2 °F	74%	30.06 in	5.0 mi	NW	15.0 mph	23.0 mph	N/A	Si
12:55 AM	19.4 °F	6.0 °F	12.2 °F	74%	30.05 in	7.0 mi	NW	13.8 mph	21.9 mph	N/A	Si
1:15 AM	19.4 °F	7.2 °F	14.0 °F	80%	30.05 in	10.0 mi	NW	11.5 mph	17.3 mph	N/A	
1:35 AM	19.4 °F	6.0 °F	12.2 °F	74%	30.05 in	10.0 mi	NW	13.8 mph	17.3 mph	N/A	
1:55 AM	19.4 °F	5.5 °F	12.2 °F	74%	30.05 in	10.0 mi	NW	15.0 mph	27.6 mph	N/A	
2:15 AM	19.4 °F	4.5 °F	10.4 °F	68%	30.05 in	10.0 mi	NW	17.3 mph	23.0 mph	N/A	
2:35 AM	19.4 °F	6.6 °F	12.2 °F	74%	30.05 in	10.0 mi	NW	12.7 mph	21.9 mph	N/A	
2:55 AM	19.4 °F	5.5 °F	10.4 °F	68%	30.06 in	10.0 mi	NW	15.0 mph	23.0 mph	N/A	

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Time (CST)	Temp.	Windchill	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	E
3:15 AM	19.4 °F	3.6 °F	6.8 °F	58%	30.07 in	10.0 mi	NW	19.6 mph	28.8 mph	N/A	
3:35 AM	19.4 °F	7.2 °F	8.6 °F	63%	30.07 in	10.0 mi	NW	11.5 mph	19.6 mph	N/A	
3:55 AM	19.4 °F	6.6 °F	8.6 °F	63%	30.07 in	10.0 mi	WNW	12.7 mph	17.3 mph	N/A	
4:15 AM	19.4 °F	3.6 °F	6.8 °F	58%	30.06 in	10.0 mi	NW	19.6 mph	27.6 mph	N/A	
4:35 AM	19.4 °F	5.0 °F	5.0 °F	54%	30.07 in	10.0 mi	NW	16.1 mph	25.3 mph	N/A	
4:55 AM	19.4 °F	3.6 °F	5.0 °F	54%	30.07 in	10.0 mi	NW	19.6 mph	29.9 mph	N/A	
5:15 AM	19.4 °F	6.6 °F	5.0 °F	54%	30.07 in	10.0 mi	WNW	12.7 mph	20.7 mph	N/A	
5:35 AM	19.4 °F	7.2 °F	5.0 °F	54%	30.07 in	10.0 mi	NW	11.5 mph	19.6 mph	N/A	
5:55 AM	17.6 °F	5.0 °F	5.0 °F	58%	30.07 in	10.0 mi	WNW	11.5 mph	16.1 mph	N/A	
6:15 AM	17.6 °F	4.3 °F	5.0 °F	58%	30.07 in	10.0 mi	WNW	12.7 mph	19.6 mph	N/A	
6:35 AM	19.4 °F	5.5 °F	3.2 °F	49%	30.07 in	10.0 mi	WNW	15.0 mph	23.0 mph	N/A	
6:55 AM	17.6 °F	4.3 °F	3.2 °F	53%	30.09 in	10.0 mi	NW	12.7 mph	20.7 mph	N/A	
7:15 AM	17.6 °F	2.2 °F	3.2 °F	53%	30.09 in	10.0 mi	NW	17.3 mph	26.5 mph	N/A	
7:35 AM	17.6 °F	4.3 °F	3.2 °F	53%	30.09 in	10.0 mi	NW	12.7 mph	19.6 mph	N/A	
7:55 AM	17.6 °F	3.2 °F	3.2 °F	53%	30.10 in	10.0 mi	NW	15.0 mph	23.0 mph	N/A	
8:15 AM	17.6 °F	3.7 °F	3.2 °F	53%	30.11 in	10.0 mi	WNW	13.8 mph	21.9 mph	N/A	
8:35 AM	17.6 °F	2.7 °F	3.2 °F	53%	30.11 in	10.0 mi	WNW	16.1 mph	21.9 mph	N/A	
8:55 AM	19.4 °F	5.5 °F	3.2 °F	49%	30.12 in	10.0 mi	NW	15.0 mph	23.0 mph	N/A	
9:15 AM	19.4 °F	3.2 °F	3.2 °F	49%	30.13 in	10.0 mi	WNW	20.7 mph	25.3 mph	N/A	
9:35 AM	19.4 °F	3.6 °F	3.2 °F	49%	30.14 in	10.0 mi	NW	19.6 mph	24.2 mph	N/A	
9:55 AM	19.4 °F	5.5 °F	3.2 °F	49%	30.15 in	10.0 mi	NW	15.0 mph	24.2 mph	N/A	
10:15 AM	21.2 °F	6.4 °F	3.2 °F	46%	30.15 in	10.0 mi	NW	18.4 mph	28.8 mph	N/A	
10:35 AM	21.2 °F	6.0 °F	5.0 °F	50%	30.16 in	10.0 mi	NW	19.6 mph	27.6 mph	N/A	
10:55 AM	21.2 °F	6.0 °F	5.0 °F	50%	30.16 in	10.0 mi	NW	19.6 mph	29.9 mph	N/A	
11:15 AM	21.2 °F	6.4 °F	5.0 °F	50%	30.17 in	10.0 mi	West	18.4 mph	27.6 mph	N/A	
11:35 AM	23.0 °F	10.1 °F	5.0 °F	46%	30.17 in	10.0 mi	WNW	15.0 mph	19.6 mph	N/A	
11:55 AM	23.0 °F	9.6 °F	5.0 °F	46%	30.16 in	10.0 mi	WNW	16.1 mph	20.7 mph	N/A	
12:15 PM	24.8 °F	11.9 °F	5.0 °F	43%	30.15 in	10.0 mi	WNW	16.1 mph	21.9 mph	N/A	
12:35 PM	26.6 °F	13.4 °F	6.8 °F	43%	30.14 in	10.0 mi	WNW	18.4 mph	-	N/A	
12:55 PM	26.6 °F	13.8 °F	6.8 °F	43%	30.13 in	10.0 mi	WNW	17.3 mph	25.3 mph	N/A	
1:15 PM	28.4 °F	15.8 °F	6.8 °F	40%	30.12 in	10.0 mi	WNW	18.4 mph	24.2 mph	N/A	
1:35 PM	28.4 °F	15.8 °F	6.8 °F	40%	30.12 in	10.0 mi	NW	18.4 mph	25.3 mph	N/A	
1:55 PM	28.4 °F	17.0 °F	6.8 °F	40%	30.12 in	10.0 mi	NW	15.0 mph	25.3 mph	N/A	

Time (CST)	Temp.	Windchill	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	E
2:15 PM	30.2 °F	19.3 °F	6.8 °F	37%	30.12 in	10.0 mi	NW	15.0 mph	21.9 mph	N/A	
2:35 PM	30.2 °F	19.8 °F	6.8 °F	37%	30.12 in	10.0 mi	NW	13.8 mph	24.2 mph	N/A	
2:55 PM	30.2 °F	19.8 °F	6.8 °F	37%	30.12 in	10.0 mi	WNW	13.8 mph	18.4 mph	N/A	
3:15 PM	30.2 °F	20.2 °F	6.8 °F	37%	30.12 in	10.0 mi	NW	12.7 mph	16.1 mph	N/A	
3:35 PM	30.2 °F	19.8 °F	5.0 °F	34%	30.13 in	10.0 mi	WNW	13.8 mph	20.7 mph	N/A	
3:55 PM	32.0 °F	23.0 °F	5.0 °F	32%	30.13 in	10.0 mi	NW	11.5 mph	17.3 mph	N/A	
4:15 PM	32.0 °F	23.6 °F	5.0 °F	32%	30.13 in	10.0 mi	WNW	10.4 mph	16.1 mph	N/A	
4:35 PM	30.2 °F	21.3 °F	3.2 °F	32%	30.13 in	10.0 mi	WNW	10.4 mph	-	N/A	
4:55 PM	30.2 °F	21.9 °F	-2.2 °F	25%	30.12 in	10.0 mi	WNW	9.2 mph	-	N/A	
5:15 PM	30.2 °F	24.3 °F	-4.0 °F	23%	30.13 in	10.0 mi	WNW	5.8 mph	-	N/A	
5:35 PM	30.2 °F	26.7 °F	-5.8 °F	21%	30.13 in	10.0 mi	WNW	3.5 mph	-	N/A	
5:55 PM	30.2 °F	-	-5.8 °F	21%	30.13 in	10.0 mi	Calm	Calm	-	N/A	
6:15 PM	28.4 °F	-	-4.0 °F	25%	30.13 in	10.0 mi	Calm	Calm	-	N/A	
6:35 PM	28.4 °F	-	-4.0 °F	25%	30.12 in	10.0 mi	Calm	Calm	-	N/A	
6:55 PM	26.6 °F	-	-0.4 °F	31%	30.12 in	10.0 mi	Calm	Calm	-	N/A	
7:15 PM	23.0 °F	-	6.8 °F	50%	30.11 in	10.0 mi	Calm	Calm	-	N/A	
7:35 PM	23.0 °F	-	5.0 °F	46%	30.11 in	10.0 mi	Calm	Calm	-	N/A	
7:55 PM	21.2 °F	-	10.4 °F	63%	30.10 in	10.0 mi	Calm	Calm	-	N/A	
8:15 PM	21.2 °F	-	8.6 °F	58%	30.10 in	10.0 mi	Calm	Calm	-	N/A	
8:35 PM	19.4 °F	-	8.6 °F	63%	30.10 in	10.0 mi	Calm	Calm	-	N/A	
8:55 PM	19.4 °F	-	8.6 °F	63%	30.09 in	10.0 mi	Calm	Calm	-	N/A	
9:15 PM	19.4 °F	-	12.2 °F	74%	30.10 in	10.0 mi	Calm	Calm	-	N/A	
9:35 PM	19.4 °F	-	10.4 °F	68%	30.09 in	10.0 mi	Calm	Calm	-	N/A	
9:55 PM	19.4 °F	-	12.2 °F	74%	30.08 in	10.0 mi	Calm	Calm	-	N/A	
10:15 PM	19.4 °F	-	14.0 °F	80%	30.07 in	10.0 mi	Calm	Calm	-	N/A	
10:35 PM	19.4 °F	-	14.0 °F	80%	30.06 in	10.0 mi	Calm	Calm	-	N/A	
10:55 PM	21.2 °F	-	12.2 °F	68%	30.05 in	10.0 mi	Calm	Calm	-	N/A	
11:15 PM	23.0 °F	17.0 °F	10.4 °F	59%	30.03 in	10.0 mi	ESE	4.6 mph	-	N/A	
11:35 PM	23.0 °F	-	10.4 °F	59%	30.03 in	10.0 mi	Calm	Calm	-	N/A	
11:55 PM	23.0 °F	-	10.4 °F	59%	30.02 in	10.0 mi	Calm	Calm	-	N/A	

[Show full METARS](#) | [METAR FAQ](#) | [Comma Delimited File](#)

1 - GENERAL CRASH INFORMATION AGENCY NAME AND ORI

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6. COLLISION DIAGRAM

Compass Direction Before Crash Event(s) (Circle One)

V1 NESWU

V2 NESWU

V3 NESWU

V4 NESWU

V5 NESWU

V6 NESWU

INDICATE NORTH

NO DIAGRAM:
SEE RECONSTRUCTION REPORT

INDICATE ROAD NAMES

DIAGRAM NOT TO SCALE

6 - CODES

SEAT LOCATION	FR SR TR FC SC TC FL SL TL	INJURY	TRANSPORTED (For Medical Treatment)	EJECTION	AIR BAG	SAFETY DEVICES		
XX - Not Known B - Pedalcycle M - Motorcycle CP - Commercial Passenger OE - Occupant - Enclosed Load Area OU - Occupant - Unenclosed Load Area RC - Rail Crew SV - Other (Explain in Narrative) NA - Not Applicable		1. Fatal 2. Disabling 3. Evident - Not Disabling 4. Probable - Not Apparent 5. None Apparent U. Unknown N. NA	1. No 2. EHS 3. Other U. Unknown N. NA	1. NA 2. No 3. Partially 4. Totally U. Unknown	1. None/NA 3. Not Deployed 4. Removed 5. Deployed - Front 6. Deployed - Side 7. Deployed - Curtain 8. Deployed - Other (Knee, Air Belt, etc)	9. Deployed - Combination 10. Deployment Unknown U. Air Bag Presence Unknown	1. None 2. Not Used 3. Shoulder Belt Only 4. Lap Belt Only 5. Shoulder and Lap Belt 7. DOT Compliant 11C Helmet 8. No Helmet	10. Booster Seat 11. Child Restraint - Forward Facing 12. Child Restraint - Rear Facing 13. Other Helmet 14. Reflective Clothing 15. Other U. Use Unknown N. Not Applicable

VEHICLE ACTION / SEQUENCE OF EVENTS (Items with double-asterisk [*] require additional coding)

1. Going Straight	10. Start From Parked	19. Airborne	28. Separation Of Units	37. Collision Inv. Other Object (Explain)	44. Thrown/Falling Object
2. Overtaking	11. Backing	20. Ran Off Roadway - Right	29. Returned To Roadway	38. Other Non-collision	45. Struck By Falling, Shifting Cargo, Object Set In Motion By Own MV
3. Making Right Turn	12. Stopped In Traffic	21. Ran Off Roadway - Left	30. Collision Inv. Pedestrian	39. Collision Inv. Bicycle/Pedalcycle In Bicycle Lane	46. Ran Off Roadway - Other (Explain)
4. Right Turn on Red	13. Parked	22. Overturn/Rollover	31. Collision Inv. Bicycle/Pedalcycle	40. Collision Inv. Animal Drawn Vehicle / Animal Ridden For Transportation	47. Cross Separator
5. Making Left Turn	14. Changing Lanes	23. Fire / Explosion	32. Collision Inv. Railway Veh.	41. Collision Inv. Working MV	
6. Making U-Turn	15. Avoiding	24. Immersion	33. Collision Inv. Animal (*)	42. Downhill Runaway	
7. Sliding / Skidding	16. Cross Median	25. Jackknife	34. Collision Inv. MV In Transport	43. Fell/Jumped From MV	
8. Slowing / Stopping	17. Cross Center Of Road	26. Cargo Loss / Shift	35. Collision Inv. Parked MV		
9. Start In Traffic	18. Cross Road	27. Equipment Failure	36. Collision Inv. Fixed Object (**)		

ANIMAL CODES FOR VEHICLE ACTION / SEQUENCE OF EVENTS

60. Deer	61. Farm Animal	62. Dog	63. Other Animal	U. Unknown
----------	-----------------	---------	------------------	------------

FIXED OBJECT CODES FOR VEHICLE ACTION / SEQUENCE OF EVENTS

20. Tree / Stump (Standing)	26. Culvert	32. Building	38. Bridge Rail	44. Wall
21. Embankment / Driveway / Ground / Rock Bluff	27. Highway Traffic Sign Post / Support	33. Traffic Signal Support	39. Guardrail End	45. Cable Barrier
22. Guardrail Face	28. Bridge Pier / Abutment / Support	34. Impact Attenuator / Crash Cushion	40. Other Traffic Barrier	46. Bridge Overhead Structure
23. Utility Pole	29. Curb	35. Fire Hydrant	41. Overhead Sign Support	47. Overhead Line / Cable
24. Fence	30. Mail Box	36. Other (Explain)	42. Ditch	U. Unknown
25. Street Light Support	31. Concrete Traffic Barrier	37. Bridge Parapet End	43. Other Post / Pole / Support	

DISTRACTED / INATTENTIVE CODES

1. External Distraction	5. Communication Device - Hand-held	9. Eating / Drinking	13. Computer Equipment / Electronic Games / etc
2. Passengers	6. Communication Device - Hands Free	10. Reading	14. Adjusting Vehicle Controls
3. Stereo / Audio / Video Equipment	7. Communication Device - Texting / E-mailing	11. Tobacco Use	15. Other (Explain)
4. Navigation Device	8. Communication Device - Web Browsing	12. Grooming	

VEHICLE TYPE CODES

1. Motor Vehicle In Transport	3. Working Motor Vehicle	5. Animal Drawn Vehicle / Animal Ridden For Transport Purposes
2. Parked Motor Vehicle	4. Pedalcycle	U. Unknown

OTHER VEHICLE CODES

1. Riding Mower / Garden Tractor	3. Snowmobile	5. Animal Drawn Vehicle / Animal Ridden For Transportation	6. Low Speed Vehicle
2. Golf Cart	4. Forklift		7. Other (Explain)

9. NARRATIVE / STATEMENTS (If additional room is necessary, use Section 11 - Narrative / Statements Continuation)

[REDACTED NARRATIVE CONTENT]

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

ALBANY ABELN and LEVI ABELN,)
by and through their Next Friend,)
CANDIE KAUFMAN, and)
CHEYANNE ABELN and CODY)
ABELN, by and through their Next)
Friend, AMANDA DAY, on behalf of)
BRADLEY ABELN, deceased,)

Plaintiffs,)

v.)

TRINITY INDUSTRIES, INC.)
Serve: The Corporation Trust Co.)
Corporation Trust Center)
1209 Orange Street)
Wilmington, Delaware 19801)

and)

TRINITY HIGHWAY PRODUCTS, LLC)
Serve: The Corporation Trust Co.)
Corporation Trust Center)
1209 Orange Street)
Wilmington, Delaware 19801)

and)

PAMELA KAY WILSON)
Serve: 23365 State Highway MM)
Gallatin, Missouri 64640)

Defendants.)

14CY-CV05518

4

Case No. _____

FILED
JUN 23 2014 KST
TIME:
Clay County Circuit Court

PETITION FOR DAMAGES

COME NOW Plaintiffs Albany Abeln and Levi Abeln, by and through their duly appointed Next Friend, Candie Kaufman, and Plaintiffs Cheyanne Abeln and Cody Abeln, by and through their duly appointed Next Friend, Amanda Day, and their undersigned attorneys of record,

and for their Petition for Damages against Defendants Trinity Industries, Inc., Trinity Highway Products, LLC and Pamela Kay Wilson, state and allege as follows:

PARTIES, JURISDICTION & VENUE

1. Plaintiff Albany Abeln is a minor child residing with her mother and duly appointed Next Friend, Candie Kaufman, and is a resident of Missouri.

2. Plaintiff Levi Abeln is a minor child residing with his mother and duly appointed Next Friend, Candie Kaufman, and is a resident of Missouri.

3. Plaintiff Cheyanne Abeln is a minor child residing with her mother and duly appointed Next Friend, Amanda Day, and is a resident of Missouri.

4. Plaintiff Cody Abeln is a minor child residing with his mother and duly appointed Next Friend, Amanda Day, and is a resident of Missouri.

5. Plaintiffs are the natural children of Bradley (“Brad”) Jarvis Abeln, deceased, who died on January 17, 2014 as a result of injuries he sustained in a motor vehicle collision in Clay County, Missouri.

6. Plaintiffs are members of the statutory class of beneficiaries entitled to bring and recover damages from a wrongful death cause of action arising from the death of Brad Abeln, under R.S.Mo. § 537.080.

7. Defendant Trinity Industries, Inc. (“Trinity Industries”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Dallas, Texas. At all relevant times, Defendant Trinity Industries was engaged in the design, manufacture, marketing, distribution and sale of guardrail systems, including guardrail end terminal systems. Defendant Trinity Industries may be served with process through its registered agent at the above-captioned Wilmington, Delaware address.

8. Personal jurisdiction is proper over Defendant Trinity Industries, in that Defendant Trinity Industries conducts business in Missouri through its actions and those of its parent/affiliated/subsidiary companies and agents, in that it causes its products to be marketed, distributed, sold and used within the State of Missouri. As such, Defendant Trinity Industries derives significant revenue from its activities and the sale of its products in the State of Missouri. Through its actions, Defendant Trinity Industries has consented to the jurisdiction of this Court and reasonably anticipates being haled into court.

9. Defendant Trinity Highway Products, LLC (“Trinity Highway Products”) is a company organized and existing under the laws of the State of Delaware. At all relevant times, Trinity Highway Products was engaged in the design, manufacture, marketing, distribution and sale of guardrail systems, including guardrail terminal systems. Defendant Trinity Highway Products may be served with process through its registered agent at the above-captioned Wilmington, Delaware address.

10. Personal jurisdiction is proper over Defendant Trinity Highway Products, as Defendant Trinity Highway Products conducts business in Missouri through its actions and those of its parent/affiliated/subsidiary companies and agents, in that it causes its products to be marketed, distributed, sold and used within the State of Missouri. As such, Defendant Trinity Highway Products derives significant revenue from its activities and the sale of its products in the State of Missouri. Through its actions, Defendant Trinity Highway Products has consented to the jurisdiction of this Court and reasonably anticipates being haled into court.

11. Defendant Pamela Kay Wilson (“Wilson”) is a resident and citizen of the State of Missouri, and she may be served with process at the above-captioned Gallatin, Missouri address.

12. Venue is proper in Clay County, Missouri pursuant to R.S.Mo. § 508.010.4, in that Brad Abeln was fatally injured in a motor vehicle collision as a result of Defendants' wrongful acts and negligent conduct in Clay County, Missouri.

GENERAL ALLEGATIONS

13. Defendants Trinity Industries and Trinity Highway Products (hereinafter "the Trinity Defendants") designed, manufactured, marketed, distributed and sold highway guardrail systems, including the ET-Plus guardrail end terminal system (hereinafter "ET-Plus"), as was involved in the motor vehicle collision that is the subject of this lawsuit.

14. When used in conjunction with standard "W" guardrail along roadways, the ET-Plus is intended to safely absorb and dissipate the energy of a vehicular impact.

15. At all relevant times, the Trinity Defendants designed, manufactured, marketed, distributed and sold the ET-Plus for use by cities, counties and state departments of transportation and contractors for use along roadways and to provide highway safety.

16. The original production version of the ET-Plus, which was not the version involved in the subject collision, was originally designed and tested by or through Texas A&M University and/or Texas Transportation Institute.

17. The Trinity Defendants manufacture, market, distribute and sell the ET-Plus pursuant to a licensing agreement with Texas A&M and/or Texas Transportation Institute.

18. When impacted and as originally designed, the guardrail extrudes through the head and flattens out into a ribbon, absorbing the energy of the collision.

19. In or about 2005, the Trinity Defendants changed the design of the ET-Plus from that originally designed and tested by or through Texas A&M University and/or Texas Transportation Institute, including changes to the dimensions of the feeder channel chute.

20. Based upon information and belief, the Trinity Defendants failed to officially notify the Federal Highway Administration, the Missouri Highways & Transportation Commission, the Missouri Department of Transportation or any branch or unit of the federal government or government of the State of Missouri for approval or consideration of these changes.

21. Based upon information and belief, the Federal Highway Administration, the Missouri Highways & Transportation Commission and the Missouri Department of Transportation did not approve the version of the ET-Plus manufactured, marketed, distributed and sold by the Trinity Defendants following their modification to its design in or about 2005.

22. The ET-Plus, as modified in or about 2005 and at issue in this case, does not allow the guardrail to properly feed through the chute, causing the guardrail to lock up and bend in a manner not intended.

23. When the guardrail locks up due to an inability to properly feed through the chute, the energy of the collision is diverted, and in this case, serves to compromise the occupant survival space of a vehicle and redirect the vehicle in a manner causing serious injury and death.

24. Based upon information and belief, and at all times relevant hereto, the Trinity Defendants knew of the dangerous conditions created by its modifications to the design of the ET-Plus.

25. On January 17, 2014 at approximately 6:40 a.m., Brad Abeln was driving his 1987 Ford Bronco (VIN 1FMCU14T5HUA65261) southbound on Interstate 35 ("I-35") in the right-hand lane near the 19.8 mile marker in Liberty, Clay County, Missouri.

26. At the same time and place, Defendant Pamela Kay Wilson was driving her 2008 Mercury Mariner (VIN 4M2CU97178KJ38701) southbound on I-35 in the left-hand lane.

27. At the same time and place, Defendant Pamela Kay Wilson fell asleep while driving the Mercury Mariner, drifting into and colliding with Brad Abeln's Ford Bronco in the right-hand lane of southbound I-35.

28. As a result of the impact between the vehicles, the Bronco rotated clockwise, ran off the traveled portion of the roadway and struck an ET-Plus installed along the shoulder on the right-hand side of southbound I-35.

29. When the Bronco struck the ET-Plus, it did not perform as intended, and instead, compromised the occupant survival space by crushing the driver side door, further redirecting the movement of the Bronco such that it rolled over, causing severe and ultimately fatal injuries to Brad Abeln.

30. Defendants Wilson's, Trinity Industries' and Trinity Highway Products' wrongful and negligent acts/omissions caused or contributed to cause severe and ultimately fatal injuries to Brad Abeln, and as such, the independent acts and/or omissions of Defendants resulted in indivisible damages to Plaintiffs. As a result, Defendants are jointly and severally liable for the damages to Plaintiffs.

COUNT I – NEGLIGENCE
(Defendant Pamela Kay Wilson)

31. Plaintiffs hereby incorporate by reference the allegations of the foregoing paragraphs as though fully set forth herein.

32. In operating the Mariner upon a roadway in Missouri, Defendant Wilson owed other drivers, including Brad Abeln, a duty to exercise the highest degree of care.

33. Defendant Wilson breached her duty of care and was thereby negligent in several respects, including but not limited to the following:

- a. Defendant failed to follow the Rules of the Road in Missouri;

- b. Defendant failed to keep a careful lookout;
- c. Defendant was inattentive in her driving;
- d. Defendant fell asleep while driving;
- e. Defendant failed to maintain her vehicle under proper control;
- f. Defendant allowed her Mariner to collide with Brad Abeln's Bronco;
- g. Defendant was negligent in other ways as yet unknown to Plaintiffs.

34. As a direct and proximate result of the collision and the negligent acts and/or omissions of Defendant Wilson, Brad Abeln sustained conscious physical pain and emotional suffering and severe and permanent injuries, ultimately resulting in his death.

35. As a further direct and proximate result of the negligent acts and/or omissions of Defendant Wilson, Plaintiffs, on behalf of the statutory class of beneficiaries, pursuant to R.S.Mo. § 537.090, sustained the following damages: pecuniary losses suffered by reason of Brad Abeln's death; medical expenses; funeral expenses; damages suffered by Brad Abeln between the time of his injury and his death for which he might have maintained an action but for his death; the physical, mental and emotional pain and suffering endured by Brad Abeln between the time of his injury and his death; and the reasonable value of Brad Abeln's services, companionship, comfort, instruction, guidance, counsel, training and support.

WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendant Wilson for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for their costs incurred herein, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT II – STRICT LIABILITY
(Defendant Trinity Industries)

36. Plaintiffs hereby incorporate by reference the allegations of the foregoing paragraphs as though fully set forth herein.

37. Prior to January 17, 2014, in the ordinary course of its business, Defendant Trinity Industries designed, manufactured, marketed, distributed, and/or sold the subject ET-Plus for use on Missouri highways, such that it reached the general public as ultimate consumers.

38. The subject ET-Plus was expected to reach and did reach the hands of its owner without substantial change in the condition in which it was designed, manufactured, marketed, distributed and sold, and was being used in a manner intended by Defendant Trinity Industries.

39. Defendant Trinity Industries knew that the subject ET-Plus would be used without inspection for defects and represented that it could be safely used and would be fit for the intended ordinary purposes for which it was purchased.

40. The subject ET-Plus was defective and unreasonably dangerous by reason of defects in its design, manufacture, inspection and/or testing, in that the subject ET-Plus failed to provide adequate protection to motorists, including Brad Abeln, in a reasonably foreseeable collision, such as the one giving rise to this lawsuit.

41. The subject ET-Plus was defective and unreasonably dangerous in that:
- a. It lacked adequate energy absorption capabilities;
 - b. It was not crashworthy;
 - c. It was prone to and did experience throat lock, preventing the guardrail from sliding through the feeder chute;
 - d. It had a feeder channel that was not of a sufficient length;
 - e. It was not reasonably fit, suitable or safe for its intended and represented purpose;

- f. It lacked safety features necessary to protect motorists in reasonably foreseeable collisions;
- g. It was manufactured, marketed, distributed and sold in a condition and design not approved by the pertinent federal and state authorities;
- h. It was sold without adequate warnings to owners and foreseeable users of the unreasonably dangerous and defective conditions, despite the fact that Defendant knew or in the exercise of reasonable care should have known of the unreasonably dangerous and defective conditions;
- i. It failed to comply with the standards of care and performance applicable in the industry insofar as providing reasonable protection to motorists upon impact; and
- j. In other ways as yet unknown to Plaintiffs.

42. As a direct and proximate result of the unreasonably dangerous and defective condition of the subject ET-Plus, Decedent Brad Abeln sustained conscious physical pain and emotional suffering and severe and permanent injuries, ultimately resulting in his death.

43. As a further direct and proximate result of the unreasonably dangerous and defective condition of the subject ET-Plus, Plaintiffs, on behalf of the statutory class of beneficiaries, pursuant to R.S.Mo. § 537.090, sustained the following damages: pecuniary losses suffered by reason of Brad Abeln's death; medical expenses; funeral expenses; damages suffered by Brad Abeln between the time of his injury and his death for which he might have maintained an action but for his death; the physical, mental and emotional pain and suffering endured by Brad Abeln between the time of his injury and his death; and the reasonable value of Brad Abeln's services, companionship, comfort, instruction, guidance, counsel, training and support.

44. The conduct of Defendant Trinity Industries showed complete indifference to or conscious disregard for the safety of others, including Brad Abeln and Plaintiffs, justifying the imposition of punitive damages in an amount sufficient to punish Defendant and deter Defendant and others from like conduct.

WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendant Trinity Industries for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for punitive damages in such sum as will serve to punish Defendant and deter Defendant and others from engaging in like conduct, for their costs incurred herein, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT III – NEGLIGENCE
(Defendant Trinity Industries)

45. Plaintiffs hereby incorporate the allegations of the foregoing paragraphs as though fully set forth herein.

46. Prior to January 17, 2014, in the ordinary course of its business, Defendant Trinity Industries designed, manufactured, marketed, distributed, and/or sold the subject ET Plus for use on Missouri highways, such that it reached the general public as ultimate consumers.

47. At all relevant times, it was a matter of common knowledge that there had been and would continue to be collisions with guardrail end terminal systems upon public streets and highways, and it was reasonably foreseeable that the subject ET-Plus would be installed along the roadways in Missouri.

48. Defendant Trinity Industries knew or should have known that the incidence and extent of injuries in such collisions would frequently be determined by the design, construction and performance of the guardrail end terminal system, including the crashworthiness of said guardrail end terminal system.

49. Defendant Trinity Industries had a duty to exercise reasonable care to design, test, manufacture and market the subject ET-Plus so that it was reasonably safe when put to an intended, reasonably anticipated and reasonably foreseeable use, and so as not to subject the motoring public to an unreasonable risk of harm.

50. Defendant Trinity Industries carelessly, negligently and recklessly breached the duty of care owed to the motoring public, including Brad Abeln, in each of the following respects:

- a. Designing and/or modifying the design of the ET-Plus such that it was in an unreasonably dangerous and defective condition;
- b. Designing and/or modifying the design of the ET-Plus such that it lacked adequate energy absorption capabilities;
- c. Designing and/or modifying the design of the ET-Plus such that it was not crashworthy;
- d. Designing and/or modifying the design of the ET-Plus such that it was prone to and did experience throat lock, preventing the guardrail from sliding through the feeder chute;
- e. Designing and/or modifying the design of the ET-Plus such that it had a feeder channel that was not of a sufficient length;
- f. Designing and/or modifying the design of the ET-Plus such that it was not reasonably fit, suitable or safe for its intended and represented purpose;
- g. Manufacturing, marketing, distributing and/or selling the ET-Plus when it was not reasonably fit, suitable or safe for its intended and represented purpose;
- h. Designing and/or modifying the design of the ET-Plus such that it lacked safety features necessary to protect motorists in reasonably foreseeable collisions;

- i. Manufacturing, marketing, distributing and/or selling the ET-Plus in a condition and design not approved by the pertinent federal and state authorities;
- j. Distributing and selling the ET-Plus without adequate warnings to owners and foreseeable users of the unreasonably dangerous and defective conditions, despite the fact that Defendant knew or in the exercise of reasonable care should have known of the unreasonably dangerous and defective conditions;
- k. Failing to comply with the standards of care and performance applicable in the industry insofar as providing reasonable protection to motorists upon impact.
- l. Failing to include necessary and reasonable safety features in the design of the ET-Plus, despite knowing that failure to do so would result in the subject ET-Plus failing to perform as reasonably anticipated and expected in a reasonably foreseeable collision;
- m. Failing to institute a recall and/or retrofit campaign for the purpose of remedying the unreasonably dangerous and defective conditions and to provide alternative guardrail end terminal system design features available for the protection of the motoring public;
- n. Designing, manufacturing, marketing, distributing and selling the ET-Plus in a condition that was inadequate to withstand a reasonably foreseeable collision; and
- o. In other ways as yet unknown to Plaintiffs.

51. As a direct and proximate result of the careless, negligent and reckless acts/omissions of Defendant Trinity Industries, Brad Abeln sustained conscious physical pain and emotional suffering and severe and permanent injuries, ultimately resulting in his death.

52. As a further direct and proximate result of the careless, negligent and reckless acts/omissions of Defendant Trinity Industries, Plaintiffs, on behalf of the statutory class of beneficiaries, pursuant to R.S.Mo. § 537.090, sustained the following damages: pecuniary losses suffered by reason of Brad Abeln's death; medical expenses; funeral expenses; damages suffered by Brad Abeln between the time of his injury and his death for which he might have maintained an action but for his death; the physical, mental and emotional pain and suffering endured by Brad Abeln between the time of his injury and his death; and the reasonable value of Brad Abeln's services, companionship, comfort, instruction, guidance, counsel, training and support.

53. The conduct of Defendant Trinity Industries showed complete indifference to or conscious disregard for the safety of others, including Brad Abeln and Plaintiffs, justifying the imposition of punitive damages in an amount sufficient to punish Defendant and deter Defendant and others from like conduct.

WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendant Trinity Industries for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for their costs incurred herein, for punitive damages in such sum as will serve to punish Defendant and deter Defendant and others from engaging in like conduct, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT IV – STRICT LIABILITY
(Defendant Trinity Highway Products)

54. Plaintiffs hereby incorporate by reference the allegations of the foregoing paragraphs as though fully set forth herein.

55. Prior to January 17, 2014, in the ordinary course of its business, Defendant Trinity Highway Products designed, manufactured, marketed, distributed, and/or sold the subject ET-Plus for use on Missouri highways, such that it reached the general public as ultimate consumers.

56. The subject ET-Plus was expected to reach and did reach the hands of its owner without substantial change in the condition in which it was designed, manufactured, marketed, distributed and sold, and was being used in a manner intended by Defendant Trinity Highway Products.

57. Defendant Trinity Highway Products knew that the subject ET-Plus would be used without inspection for defects and represented that it could be safely used and would be fit for the intended ordinary purposes for which it was purchased.

58. The subject ET-Plus was defective and unreasonably dangerous by reason of defects in its design, manufacture, inspection and/or testing, in that the subject ET-Plus failed to provide adequate protection to motorists, including Brad Abeln, in a reasonably foreseeable collision such as the one giving rise to this lawsuit.

59. The subject ET-Plus was defective and unreasonably dangerous in that:
- a. It lacked adequate energy absorption capabilities;
 - b. It was not crashworthy;
 - c. It was prone to and did experience throat lock, preventing the guardrail from sliding through the feeder chute;
 - d. It had a feeder channel that was not of a sufficient length;
 - e. It was not reasonably fit, suitable or safe for its intended and represented purpose;
 - f. It lacked safety features necessary to protect motorists in reasonably foreseeable collisions;
 - g. It was manufactured, marketed, distributed and sold in a condition and design not approved by the pertinent federal and state authorities;

- h. It was sold without adequate warnings to owners and foreseeable users of the unreasonably dangerous and defective conditions, despite the fact that Defendant knew or in the exercise of reasonable care should have known of the unreasonably dangerous and defective conditions;
- i. It failed to comply with the standards of care and performance applicable in the industry insofar as providing reasonable protection to motorists upon impact; and
- j. In other ways as yet unknown to Plaintiffs.

60. As a direct and proximate result of the unreasonably dangerous and defective condition of the subject ET-Plus, Brad Abeln sustained conscious physical pain and emotional suffering and severe and permanent injuries, ultimately resulting in his death.

61. As a further direct and proximate result of the unreasonably dangerous and defective condition of the subject ET-Plus, Plaintiffs, on behalf of the statutory class of beneficiaries, pursuant to R.S.Mo. § 537.090, sustained the following damages: pecuniary losses suffered by reason of Brad Abeln's death; medical expenses; funeral expenses; damages suffered by Brad Abeln between the time of his injury and his death for which he might have maintained an action but for his death; the physical, mental and emotional pain and suffering endured by Brad Abeln between the time of his injury and his death; and the reasonable value of Brad Abeln's services, companionship, comfort, instruction, guidance, counsel, training and support.

62. The conduct of Defendant Trinity Highway Products showed complete indifference to or conscious disregard for the safety of others, including Brad Abeln and Plaintiffs, justifying the imposition of punitive damages in an amount sufficient to punish Defendant and deter Defendant and others from like conduct.

WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendant Trinity Highway Products for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for punitive damages in such sum as will serve to punish Defendant and deter Defendant and others from engaging in like conduct, for their costs incurred herein, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT V – NEGLIGENCE
(Defendant Trinity Highway Products)

63. Plaintiffs hereby incorporate the allegations of the foregoing paragraphs as though fully set forth herein.

64. Prior to January 17, 2014, in the ordinary course of its business, Defendant Trinity Highway Products designed, manufactured, marketed, distributed, and/or sold the subject ET-Plus for use on Missouri highways, such that it reached the general public as ultimate consumers.

65. At all relevant times, it was a matter of common knowledge that there had been and would continue to be collisions with guardrail end terminals upon public streets and highways, and it was reasonably foreseeable that the subject ET-Plus would be installed along the roadways in Missouri.

66. Defendant Trinity Highway Products knew or should have known that the incidence and extent of injuries in such collisions would frequently be determined by the design, construction and performance of the guardrail end terminal system, including the crashworthiness of said guardrail end terminal system.

67. Defendant Trinity Highway Products had a duty to exercise reasonable care to design, test, manufacture and market the subject ET-Plus so that it was reasonably safe when put to an intended, reasonably anticipated and reasonably foreseeable use, and so as not to subject the motoring public to an unreasonable risk of harm.

68. Defendant Trinity Highway Products carelessly, negligently and recklessly breached the duty of care owed to the motoring public, including Brad Abeln, in each of the following respects:

- a. Designing and/or modifying the design of the ET-Plus such that it was in an unreasonably dangerous and defective condition;
- b. Designing and/or modifying the design of the ET-Plus such that it lacked adequate energy absorption capabilities;
- c. Designing and/or modifying the design of the ET-Plus such that it was not crashworthy;
- d. Designing and/or modifying the design of the ET-Plus such that it was prone to and did experience throat lock, preventing the guardrail from sliding through the feeder chute;
- e. Designing and/or modifying the design of the ET-Plus such that it had a feeder channel that was not of a sufficient length;
- f. Designing and/or modifying the design of the ET-Plus such that it was not reasonably fit, suitable or safe for its intended and represented purpose;
- g. Manufacturing, marketing, distributing and/or selling the ET-Plus when it was not reasonably fit, suitable or safe for its intended and represented purpose;
- h. Designing and/or modifying the design of the ET-Plus such that it lacked safety features necessary to protect motorists in reasonably foreseeable collisions;
- i. Manufacturing, marketing, distributing and/or selling the ET-Plus in a condition and design not approved by the pertinent federal and state authorities;

- j. Distributing and selling the ET-Plus without adequate warnings to owners and foreseeable users of the unreasonably dangerous and defective conditions, despite the fact that Defendant knew or in the exercise of reasonable care should have known of the unreasonably dangerous and defective conditions;
- k. Failing to comply with the standards of care and performance applicable in the industry insofar as providing reasonable protection to motorists upon impact.
- l. Failing to include necessary and reasonable safety features in the design of the ET-Plus, despite knowing that failure to do so would result in the subject ET-Plus failing to perform as reasonably anticipated and expected in a reasonably foreseeable collision;
- m. Failing to instate a recall and/or retrofit campaign for the purpose of remedying the unreasonably dangerous and defective conditions to provide alternative guardrail end terminal system design features available for the protection of the motoring public;
- n. Designing, manufacturing, marketing, distributing and selling the ET-Plus in a condition that was inadequate to withstand a reasonably foreseeable collision; and
- o. In other ways as yet unknown to Plaintiffs.

69. As a direct and proximate result of the careless, negligent and reckless acts/omissions of Defendant Trinity Highway Products, Brad Abeln sustained conscious physical pain and emotional suffering and severe and permanent injuries, ultimately resulting in his death.

70. As a further direct and proximate result of the careless, negligent and reckless acts/omissions of Defendant Trinity Highway Products, Plaintiffs, on behalf of the statutory class of beneficiaries, pursuant to R.S.Mo. § 537.090, sustained the following damages: pecuniary

losses suffered by reason of Brad Abeln's death; medical expenses; funeral expenses; damages suffered by Brad Abeln between the time of his injury and his death for which he might have maintained an action but for his death; the physical, mental and emotional pain and suffering endured by Brad Abeln between the time of his injury and his death; and the reasonable value of Brad Abeln's services, companionship, comfort, instruction, guidance, counsel, training and support.

71. The conduct of Defendant Trinity Highway Products showed complete indifference to or conscious disregard for the safety of others, including Brad Abeln and Plaintiffs, justifying the imposition of punitive damages in an amount sufficient to punish Defendant and deter Defendant and others from like conduct.

WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendant Trinity Highway Products for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for punitive damages in such sum as will serve to punish Defendant and deter Defendant and others from engaging in like conduct, for their costs incurred herein, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

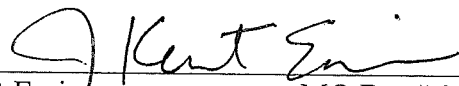
WHEREFORE, Plaintiffs pray that this Court enter judgment against Defendants, jointly and severally, for a reasonable sum of damages as will fairly and justly compensate Plaintiffs, for punitive damages in such sum as will serve to punish Defendants and deter Defendants and others from engaging in like conduct, for their costs incurred herein, for post-judgment interest and for such other and further relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all allegations, claims and causes of action asserted herein.

Respectfully submitted,

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