

AUGUST 2013

BLAINE COUNTY

DENNIS AND MARYANN HENNEFER v. BLAINE COUNTY SCHOOL DISTRICT #61  
AND SERGIO LOPEZ-RODRIGUEZ

**Number:** 11-774

**Trial Date:** 4/23/13 (7-day trial)

**Plff Atty:** Jeffrey Hepworth, Jeffrey J. Hepworth & Associates  
(Twin Falls)

**Def. Atty:** Donald Farley of Powers Tolman Farley (Boise) for Def.  
School District; Kent Hawkins of Merrill & Merrill  
(Pocatello) for Def. Lopez-Rodriguez

**Insurance Co.:** Continental Western Def. School District;  
Farm Bureau for Def. Lopez-Rodriguez

**Plff Exp.:** Robert Lauman (Accident Reconstructionist) Downey;  
Joellen Gill (Human Factors) Spokane WA

**Def. Exp.:** Jamie Maddox (Accident Reconstructionist) Salt Lake  
City UT; Brian Johns (Driver Education) Boise

**Trial Judge:** Hon. Robert Elgee

**SCHOOL DISTRICT NEGLIGENCE**

**DEATH; LOSS OF CONSORTIUM (PARENTAL)**

10/26/10 - Austin Hennefer, male age 15, student, survived by his parents Plffs Dennis and Maryann Hennefer. Austin was enrolled in a driver's education class at Carey High School. His instructor elected to drive before sun up on extremely hazardous roads following a snow storm. The instructor had Austin drive west on Hwy 20 for 30 minutes when he instructed him to pull over to perform a three-point turn on Hwy 20. The instructor admitted he knew three-point turns were the most hazardous turnabouts; knew they should not be done on high-speed highways; and knew the road and visibility conditions were hazardous. Def. Lopez-Rodriguez came upon the driver's education vehicle at 50 mph, but the vehicle was perpendicular in the road and, therefore, not visible until Def. Lopez-Rodriguez's headlights lit up the driver's education vehicle. Def. Lopez-Rodriguez swerved and braked, but was unable to avoid the driver's education vehicle as it was completing the three-point turn. Austin Hennefer was killed instantly and the instructor and other student were seriously injured in the collision.

**Injuries:** Death; loss of consortium.

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**Settlement:** Demand: \$1,500,000. Plff asked the jury for \$5,000,000. Offer: \$615,000 from Def. School District and \$25,000 (policy limits) from Def. Lopez-Rodriguez. The Def. asked the jury for \$615,000.

**Result:** PLAINTIFF VERDICT for \$3,500,000. (The verdict included \$1,500,000 for Austin's father, Plff Dennis, and \$2,000,000 for Austin's mother, Plff Maryann. The jury found the instructor was 100% negligent and was willful or reckless and, therefore, the non-economic cap does not apply. The School District has insurance limits of \$5,000,000. The post-trial Motions for New Trial and Remittitur were denied. The School District is expected to appeal. Prior to trial, Plffs settled with Def. Lopez-Rodriguez for a low of \$15,000 or high of \$25,000, plus the promise to defend at trial.)