

Jury Verdict Reporter of Colorado

WEEKLY SUMMARIES OF COLORADO JURY VERDICTS
Including verdicts from the district courts in Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo and Weld Counties and the U.S. District Court for the District of Colorado

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TABLE OF CONTENTS

| | |
|---|---|
| UNITED STATES DISTRICT COURT | |
| Retaliation and wrongful discharge | 1 |
| ADAMS COUNTY DISTRICT COURT | |
| Wrongful death - medical malpractice | 1 |
| EL PASO COUNTY DISTRICT COURT | |
| Subrogation for health insurance benefits | 3 |
| COLUMN | |
| etc. | 3 |
| INDEX | |
| Defendant | 4 |

EL PASO COUNTY DISTRICT COURT

Alan Daniels, sub nom. Bankers United Life Assurance Co. v. James McKinney and Sheryl McKinney d/b/a Jim & I's Star Bar

Case No.: 95-CV-0147

Judge: Steven T. Pelican

Trial Dates: February 18 - 21, 1997

Plaintiff's Attorneys: James E. Gigax (Bloom, Murr & Accomazzo, PC), and Christopher A. Neal, Bankers United Life Assurance Co.

Defendants' Attorney: Robert Jones (Jones, Waters, Bennett, Hessel & Cross), Colorado Springs

Type of Claim: Subrogation for health insurance benefits (premises liability). The defendants, James McKinney and Sheryl McKinney own Jim & I's Star Bar in Colorado Springs. Alan Daniels was shot and seriously wounded at the defendants' bar on April 18, 1993. Earlier that day, Eugene Baylis had been involved in a traffic altercation with a "biker." On the evening of April 18, 1993, Eugene Baylis walked into the defendants' bar armed with an automatic weapon, three hand grenades, a semiautomatic pistol and a number of clips of ammunition. An AK-47 assault rifle which Eugene Baylis brought into the bar discharged and seriously wounded Alan Daniels, a bar patron. Bankers United Life Assur-

ance Co. paid approximately \$300,000 in medical benefits to Alan Daniels or on his behalf; Bankers United Life was seeking recovery of those expenditures. Bankers United Life alleged that the defendant bar owners should have had better security, should have anticipated violence and should have used reasonable care to protect customers against danger on the property. The plaintiff alleged that there was a history of fights and gunplay and tolerance of weapons in the defendants' bar. Colorado Springs motorcycle gangs, including members of the local "Sons of Silence" chapter, frequent the defendants' bar. When Eugene Baylis entered the bar, the defendants' doorman was in the parking lot, waiting to place an intoxicated patron in a cab. The defendants designated Eugene Baylis as a nonparty at fault and alleged that he was responsible for the plaintiff's damages. The defendant also claimed that Alan Daniels, a bar patron, was negligent and was a cause of the plaintiff's damages. The defendant further contended that no security could have prevented this type of altercation.

Note: In state court, Eugene Baylis was acquitted of all criminal charges brought against him including two charges of first degree murder. Eugene Baylis pled guilty to federal charges of illegal possession of a machine gun and received a 36-month sentence, with credit for time already served.

Damages Alleged: The plaintiff had paid \$298,211.10 for medical bills on behalf of Alan Daniels.

Final Demand Before Trial: None.

Final Offer Before Trial: None.

Plaintiff's Expert Witnesses:

Dale Wunderlich (security expert, on proper security measures)

Detective James Wattles, Denver Police Department (on motorcycle gangs)

Defendants' Expert Witness: None.

Verdict: For the plaintiff Bankers United Life Assurance Co., \$298,211.10 (gross) for economic losses plus statutory interest from April 17, 1993, the date on which Alan Daniels received a gunshot wound in the Jim & I's Star Bar.