

JACKSON COUNTY. MISSOURI • KANSAS CITY

Frank Krysa and Shelly Krysa v. Emmett Payne and Terri Payne d/b/a Payne's Car Company

Docket #: 01CV203433

Judge: J. Bradley Funk (Visiting Judge • Mercer County, MO) Div. 4 Plaintiff's Attorney: Bernard E. Brown (The Brown Law Firm) Defendant's Attorney: Robert N. Calbi (Robert N. Calbi Law Office)

Type of Claim: Fraud in automobile sale. Plaintiffs are husband and wife. Plaintiffs purchased a 1991 Ford

extended cab pick-up truck from Defendant for \$9,900. Plaintiffs stated they were told by the salesman that the truck was a "one-owner" Vehicle and was a trade-in that was in perfect condition. Plaintiffs claimed Defendant did not disclose any previous damage. Plaintiffs experienced many problems with the vehicle, discovered it had been purchased at a dealers-only car auction and had nine previous owners, had been previously badly wrecked, suffered from safety and mechanical defects and that the cab had been replaced with a cab of unknown origin. Defendant claimed they were not aware of previous damage and disputed the defective condition of the vehicle. Defendant claimed they had disclosed the information they knew about the vehicle and that there was no evidence that the front end had been welded onto the back end of the truck.

Damages Alleged: Diminished value of the vehicle (\$2,500 to \$3,500 for salvage according to Defendant's

attorney), numerous incidental/consequential damages (e.g. finance charges, repairs, taxes, costs of investigation, efforts to cover and investigate, lost vacations, storage); attorney's fees, and punitive damages.

Plaintiffs Experts: Richard Diklich (auto expert) (Liberty, MO). Defendant's Experts: None presented.

Demand Before Trial: \$90,000. Offer Before Trial: \$35,000.

Verdict \$518,449.53 for Plaintiffs (\$18,449.53 actual damages; \$500,000 punitive damages).

Attorney's fees will

be awarded by the Court at a later date.