

LAW WEEK

COLORADO

Injured Waiter Who Garnered \$18.5M Verdict Returns Home After 2-Year Hospitalization

by **Alicia McNally**
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DENVER—After receiving an \$18.5 million verdict last month from 5th Judicial District Judge Russell Granger for life-changing injuries sustained from a drunk driver in January 2008, Paul Savage has finally been released from Craig Hospital.

“Right now, both my wife and I really want to take some time to ourselves,” Savage told *Law Week Colorado*. “Right now I’m just trying to get over and get better. I’m looking forward to getting back out there and taking it as it comes.”

Two years ago, Savage, 46, was changing the oil in his wife’s car when a Jeep swerved into his driveway, hitting him and landing in the front bay window of their Victorian home. The driver and two passengers were drunk and high on marijuana. Savage suffered catastrophic orthopedic and urological injuries, resulting in more than 30 surgeries that will require supervised medical care for the rest of his life.

Jim Chalot of Denver firm Chalot Hatten & Koupal represented the Savages and originally took on the case pro bono to help them get their automobile insurance claim because he was friends with Pam Savage, Paul’s wife.

“When I was called by Pam several days following the incident, I immediately assessed what sort of insurance would be on the Jeep and quickly came to the conclusion that there would only be minimal insurance if any,” Chalot said. “I just figured it would be a couple of phone calls.”

The Savages received \$75,000 from their own underinsured motorist policy with very minimal paperwork and were seeking to settle for \$25,000 from Mendakota Insurance Co., which insured the owner of the Jeep. By March 2008, Savage had already incurred more than \$1.2 million in medical bills. He was still in a coma when Chalot was hired.

The morning of the accident, Denver residents Kevin Ruskowski, Justin Guy and



Paul Savage suffered severe orthopedic injuries in the lower half of his body after getting hit by a drunk driver in January 2008. He was finally released from Craig Hospital on Friday. | LAW WEEK PHOTO **JAMIE COTTEN**

downhill,” Savage said. “But then I realized I was in no position to take on one guy much less two. I just went down on all fours and kept saying ‘Call 911! Call 911!’ over and over to my wife.”

When Savage finally awoke from a two-month coma, he found that Mendakota rejected the initial offer to settle on behalf of the owners of the Jeep. After several more attempts to settle the case with the insurance company, Mendakota filed its own suit against the defendants, in Denver federal

court. The defendants are countersuing. except for a few heavily assisted steps. He cannot use the restroom without assistance. Chalot says he is “dead certain” that the Savages will collect the \$18.5 million judgment, although probably not from the defendants. A separate lawsuit in federal court will decide how much, if anything, the insurer will contribute.

“We will fight until our last gasp for that family because think of the alternatives,” Chalot said. “Not only are their lives changed because of Paul’s disability, but they’ll become financially destitute.”

Banker said, “Paul and Pam were clear all along that they would never sign anything to release the driver” from liability.

Savage has accumulated \$4.3 million in medical bills so far and expects to pay more than equal that amount for the rest of his life for urological surgeries and a hip replacement.

While Savage remains upbeat and optimistic about leaving the rehabilitation hospital, a touch of bitterness still remains. 5th District Court Judge Thomas Morehead sentenced Ruskowski to either six years in prison or three months of boot camp in Buena Vista, Fla. It was Ruskowski’s second DUI conviction.

“He gave my husband a life sentence,” Pam Savage said at Ruskowski’s resentencing hearing.

Morehead ruled that he didn’t believe that “simply warehousing someone in a correctional institution” was the same as the rehabilitation Ruskowski received at boot camp.

“[Morehead] said that he didn’t believe in ‘warehousing people,’ which to me means he doesn’t believe in incarcerating

criminals,” Paul Savage said.

He paused, took a breath and continued, “I think he should consider getting a different job.”

For the most part, Savage stays optimistic and says he owes much of that to his wife.

“Pam basically gave up her life for all of this,” he said. “Right now I’m just trying to get over all of this and getting better. I feel a lot more positive, and I’m looking forward to getting back out there.”

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Daniel Weaks decided to drive in a vehicle belonging to Justin Guy and insured by his father, Randall Guy, to the mountains to drink and smoke marijuana. According to Evan Banker, one of Chalot’s associates who worked on the case and was present during the trial, the pair picked up some liquor in Idaho Springs and “just went driving.”

“The odd thing is that it came out in the depositions that he [Justin Guy, who was only 18 at the time] had driven only five times in his life, and he said two or three of those times he was drunk,” Banker said. “Half the time the kid’s out, he’s drunk driving.”

As soon as the accident occurred, Savage saw three people, including the driver, get out of the Jeep and run off.

“They got out of the car and ran

court. The defendants are countersuing.

“We were put in the position where we were obliged to sue,” Ruskowski and the Guys in state court, Chalot said. [Weaks wasn’t sued.] “A year from the accident, we said we were going to withdraw our offer to settle and just try the case.”

‘Never the same’

Savage said that he moved from his hometown near Milwaukee, Wis., “for the mountains.” Before the accident he was an avid snowboarder, outdoorsman and headwaiter at a restaurant, the Alpenglow Stube at Keystone Resort.

As a result of the accident, he suffered so much muscle and nerve loss and damage to a major artery that he cannot walk



Evan Banker, one of the attorneys who worked with Savage on his \$18 million verdict. | LAW WEEK PHOTO **JAMIE COTTEN**

Savages over the course of the litigation, said he would not forget Pam’s testimony during that resentencing hearing.

“Our love will always be the same, but the way we express it will never be the same,” she said. •

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