

Paralyzed player gets \$10 million

A Mobile County Circuit Court jury on Friday awarded a former Jackson Academy football player a \$10 million judgment from the insurance company that failed to pay on the school's policy with that company after the player was paralyzed during an Aug. 21, 1985 football practice.

Paul Overstreet, 15 at the time of the accident, suffered a fractured neck resulting in paralysis. The Jackson, Ala. resident is permanently paralyzed and has limited use of his arms.

The insurance agency, Doug Ruedlinger Companies, Inc. of Topeka, Kan., denied responsibility for payment on the claim, stating that payment of the premium was not received prior to the date of the injury.

Mobile attorney James A. Yance, who represented Overstreet, said the Alabama Private School Association, of which Jackson Academy is a member, was first issued the policy with Ruedlinger in 1983.

The policy involved coverage from Aug. 1 through Aug. 1 of each year. Since the coverage began in 1983, the APSA has had an understanding with Ruedlinger that they would pay the approximately \$3,000 premium in September or October of each year.

Payment was never made before then because it took until then for the APSA to get an accurate count of the students and member schools who would be covered under the policy.

In August of 1985, when Overstreet was injured, the APSA believed they were covered by Ruedlinger.

Though Ruedlinger cashed the check, which they received on Sept. 30, 1985, they claimed they didn't have to honor the policy for Overstreet's accident because it occurred before payment was received.

The jury ruled that because the policy involved coverage for a full year, and because Ruedlinger and the APSA had previously agreed that payment of the premium wasn't due until early fall, that

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Overstreet's accident should have been covered by the policy.

"We asked the jury to award Paul \$10 to \$15 million in compensatory and punitive damages to punish Ruedlinger for its conduct," said

attorney Steven A. Martino, who also represented Overstreet. "And the jury agreed with our argument as to the intent of the insurance arrangement between Ruedlinger and the Association.

"Now, Ruedlinger and all the other insurance agencies operating in our state know that this kind of conduct will not be tolerated in Alabama. It casts a bad light on

insurance agencies operating in a proper manner," Martino said.

According to Yance, the company has yet to pay Overstreet "a dime." Yance said Overstreet's father had insurance which has paid some of the medical bills.

Yance said he expects Ruedlinger to appeal, and added that, despite winning Friday's verdict, Overstreet and his lawyers will

have many struggles ahead before collecting from the insurance agency.

"It was just a raw deal," Yance said of the insurance company's failure to pay. "They told them four different times they were covered. They just found an excuse to deny the claim, so it just stunk."

The case was tried in Judge Douglas I. Johnstone's courtroom.