

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

YVONNE GRANDJEAN, as Daughter)
and next of kin to JOHN MCCARTHA, deceased,)
BRUCE MCCARTHA and ETHEL TEETER,)

Plaintiffs,)

vs.)

Case No. CIV-11-131-FHS

UNITED STATES OF AMERICA, ex rel.)
UNITED STATES POSTAL SERVICE,)

Defendants.)

And)

GARY LEMMONS and JAMES LEMMONS,)

Additional Defendants.)

ORDER GRANTING PLAINTIFFS' REQUEST FOR DAMAGES

On the 20th day of September, 2012, the Plaintiffs' Motion for Damages came on for hearing before this Honorable Court. The Plaintiffs appeared personally and through counsel, Tod S. Mercer. Defendants Gary Lemmons and James Lemmons were not present nor by counsel, the clerk having previously entered default judgment against them. The Court heard the Plaintiffs' testimony, reviewed the exhibits, and heard the Plaintiffs' requests for damages.

The Court finds that Plaintiffs have requested damages as follows:

1. Ethel Teeter:

A. Her physical pain and suffering,

Past: \$ 100,000.00

Future: \$ 50,000.00

B. Her mental pain and suffering,

Past: \$ 50,000.00

Future: \$ 25,000.00

C. Her age;

D. Her physical condition immediately before and after the accident;

E. The nature and extent of her injuries;

F. Whether the injuries are permanent;	
G. The physical impairment;	\$ 50,000.00
H. The disfigurement;	\$ 25,000.00
I. Loss of earnings;	\$ 0
J. Impairment of earning capacity;	\$ 0
K. The reasonable expenses of the necessary medical care, treatment, and services, past and future.	<u>\$ 47,932.36</u>
TOTAL:	\$ 347,932.36

2. Bruce McCartha:

A. His physical pain and suffering,	
Past:	\$ 75,000.00
Future:	\$ 25,000.00
B. His mental pain and suffering,	
Past:	\$ 50,000.00
Future:	\$ 25,000.00
C. His age;	
D. His physical condition immediately before and after the accident;	
E. The nature and extent of his injuries;	
F. Whether the injuries are permanent;	
G. The physical impairment;	\$ 25,000.00
H. The disfigurement;	\$ 0
I. Loss of earnings/time;	\$ 0
J. Impairment of earning capacity;	\$ 0
K. The reasonable expenses of the necessary medical care, treatment, and services, past and future.	<u>\$ 51,508.11</u>
TOTAL:	\$ 251,508.11

3. Yvonne Grandjean, as daughter and next friend of John McCartha, deceased:

1. The loss of financial support of contributions of money to the child of John McCartha;	\$ 0
2. The grief of the surviving daughter;	\$ 150,000.00
3. The loss of the society, services, companionship, and father/daughter relationship;	\$ 150,000.00
4. The grief of the mother of John McCartha, deceased;	\$ 0
5. The loss of companionship and parental care, training, guidance, or education that would have been forthcoming from John McCartha, deceased, to the child;	\$ 125,000.00
6. The loss of the companionship of John McCartha, deceased, by his mother, Ethel Teeter;	\$ 0
7. The pain and suffering of John McCartha, deceased;	\$ 0
8. The burial expenses:	<u>\$ 2,888.47</u>
TOTAL:	\$427,888.47

The Court finds that damages should be granted against Gary Lemmons and James Lemmons, individually, in favor of:

- 1.) Ethel Teeter in the sum of \$347,932.36;
- 2.) Bruce McCartha in the sum of 251,508.11; and
- 3.) Yvonne Grandjean, as daughter and next friend of John McCartha, deceased, in the sum of \$427,888.47.

IT IS THEREFORE ORDERED that Ethel Teeter is granted judgment against Gary Lemmons and James Lemmons, individually, in the sum of \$347,932.36.

IT IS FURTHER ORDERED that Bruce McCartha is granted judgment against Gary Lemmons and James Lemmons, individually, in the sum of \$251,508.11;.

IT IS FURTHER ORDERED that Yvonne Grandjean as daughter and next friend of John McCartha, deceased, is granted judgment against Gary Lemmons and James Lemmons, individually in the sum of \$427,888.47.

IT IS SO ORDERED this 15th day of October, 2012.


Frank H. Seay
United States District Judge