

# City, county may pay woman \$300,000 after baby born dead

**By JACK Z. SMITH**  
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FORT WORTH — The city and Tarrant County would shell out more than \$300,000 in a proposed settlement of a lawsuit in which a Keller woman contends high weeds contributed to a traffic accident that resulted in her baby being stillborn.

Dori Anna Dean, 37, was more than eight months pregnant Sept.

16, 1996, when her car collided with a pickup at a northern Tarrant County intersection.

Dean contends that the city and county failed to ensure that the right of way at Keller Hicks Road and Alta Vista Road was kept adequately mowed, despite warnings that the location posed a safety hazard and the fact that a city ordinance bans high weeds.

The City Council, in its meet-

ing at 7 tonight at Southwest High School, will vote on a proposed payment of \$177,500 to Dean and her husband, John Thomas Dean, and their attorneys, the Fort Worth law firm of Barkholtz, Boehme & Borchardt, as an out-of-court settlement of her lawsuit.

The city also would pay up to \$4,750 in court costs and other expenses to settle the suit pending

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# Lawsuit

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in 352nd State District Court in Fort Worth.

City Attorney Wade Adkins said he is recommending that the city pay the settlement because the lawsuit "is a very emotional case" that potentially could lead to a larger award to Dean and her husband.

"We thought the risk of trying the case was significantly more ... and it was good business judgment to settle for this amount," Adkins said.

But the city is not acknowledging any negligence in the lawsuit, he said.

Dean's attorney had available as potential evidence "pictures made of the fetus after it was delivered and pictures of the mother holding the dead baby," Adkins said.

Court papers filed by one of Dean's attorneys, Geno Borchardt, showed that the fetus weighed 7 pounds, 3 ounces and was 21 inches long upon being delivered stillborn after the accident.

The Tarrant County Commissioners Court is expected to vote sometime this month on a proposed out-of-court settlement in which the county would pay Dean

and her attorneys approximately \$135,000 to end the lawsuit.

Assistant District Attorney Ray Rike declined to discuss the case or confirm the \$135,000 settlement amount because the matter has not been presented to county commissioners for approval. But city officials said it was their understanding that the county would pay approximately \$135,000.

Other defendants in the case included Richard Lee Parvin, 45, a Keller man who was driving the pickup that collided with Dori Dean's 1988 sport utility vehicle, and Scout Development Co., which had an interest in property bordering the intersection.

Parvin said after the accident that tall weeds and grass prevented him from seeing Dean's car after he stopped at the intersection when traveling north on Alta Vista. Dean was eastbound on Keller Hicks Road, according to a report filed by the Tarrant County Sheriff's Department.

Government Employees Insurance Co., or GEICO, is to pay \$50,000 to the Deans under the proposed settlement. Scout is to pay an undisclosed settlement amount.

According to a memo from Adkins to the City Council, the proposed settlement is a "package" agreement under which the

individual settlements with Scout Development, the city and county would not take effect unless all of them approved their respective settlements.

"In other words, if one of these individual settlements fail, they all fail," Adkins told council members.

Neither the city nor county acknowledged any negligence in the lawsuit.

Dori Anna Dean suffered ankle and rib injuries in the accident but has recovered, Borchardt said.

The Deans, who have two daughters, already had chosen a name, Cheri Annette, for the child they were expecting.

Immediately after the accident, Dori Anna Dean "felt the baby kick," according to her lawsuit. But she did not lose consciousness or bleed and the Deans initially felt "the accident had not hurt their baby," the lawsuit said.

But Dori Anna Dean said in a sworn deposition that she and her husband realized after viewing a sonogram at the hospital that the fetus had not survived the accident.

"We saw there was no heart-beat. She was gone," Dean said in the Sept. 26, 1997, deposition.

The baby was dead at the time of delivery, said Dr. Douglas Decker, an obstetrician-gynecologist, in a videotaped deposition.