

## McLean County jury awards \$600,000 in fatal crash case

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BLOOMINGTON — A McLean County jury on Friday awarded more than \$600,000 to a family whose van smashed into a semi-trailer that blocked its path on a rural intersection south of Bloomington.

The weeklong trial ended with jurors ordering Charles Neubauer to pay \$600,000 for the loss of 70-year-old Florence Edmison, who was killed in the November 2000 collision at U.S. 51 and Randolph Road. The family will receive another \$9,500 for the Clinton woman's medical and funeral expenses.

William LaCroix, 25, also was killed in the crash. His case previously was settled out-of-court.

The driver of the van, Delbert Edmison, was awarded \$88,000, but that was reduced by 40 percent to \$52,800 because jurors found he was 40 percent responsible for the crash. Delbert Edmison was married to Florence Edmison.

The Edmisons' daughter, Kathleen LaCroix, received \$55,147, and a then-2-year-old grandson, Austin Huff, was awarded \$729.30.

The verdict was less than a third of the almost \$2 million sought by the family. And the jury found that a family farm owned by Neubauer's children in a limited liability corporation wasn't responsible for any damages.

Trial evidence indicated that Neubauer, 76, of Shirley, was hauling bales of hay on Randolph Road for the family farm when he tried to cross U.S. 51. He pulled the cab across the intersection, and the trailer cleared three of the four lanes before the rear axle was struck by the van driven by Delbert

Edmison.

There were no skid marks at the scene.

In his closing argument, Edmison family attorney William Faber said it was dark out and Delbert Edmison didn't see the trailer until it was too late to brake or swerve to avoid the crash.

He said Neubauer miscalculated by trying to cross the intersection in heavy traffic.

"The story of our case is the trucker's gamble, and the gamble that the Edmisons lost," Faber said.

Faber told jurors that Neubauer caused the accident by:

- Failing to yield to traffic on U.S. 51.
- Failing to keep a proper lookout.
- Either failing to activate lights on the side of the trailer, or allowing them to be obscured by the hay bales.

Defense attorney John Morel said in his closing argument that the Neubauers weren't responsible for the condition of the trailer, which had been borrowed from another family farm. He also said Charles Neubauer was simply doing a favor for his son by hauling the hay, and wasn't acting as an agent for family farm named in the lawsuit.

In addition, Morel noted that Florence Edmison hadn't been wearing a seat belt, and he contended that Delbert Edmison didn't maintain a proper lookout. He cited testimony from a woman who spotted the trailer while driving behind Delbert Edmison, and switched lanes in plenty of time to avoid the crash.

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