

WY0410 #7 -- **Governmental Liability - Death of Wife, Mother - \$2.5 Million Settlement.**

Armstrong,

vs.

Bizby, AZ, Kiwanis International, and Phelps Dodge Corp.

District Court
Cochise County, AZ

Plaintiff's Attorney: James Fitzgerald, Mike Johns (AZ), Jim Busby (AZ), Perry Hicks (AZ).

Defendant's Attorney: John Doyle (AZ) for Bizby; Darrell Audlett (AZ) for Kiwanis; William Doyle (AZ) for Phelps Dodge.

Defendant's Insurance: Unknown.

Plaintiff's Experts: Clarence Ellis, Mine Engineer (Phoenix, AZ); Phillip Opsel, Wood Expert (Phoenix, AZ).

Defendant's Experts: None disclosed.

Decedent's Age: 30's. **Work:** Housewife.

Facts: Amy Armstrong, a mother of four children, was working as a Kiwanis Club volunteer in the "Queen Mine Halloween Tour," a spook alley type fundraising event staged jointly by the Kiwanis Club and the city of Bizby, Arizona. Armstrong was stationed as a costumed actor inside an old copper mine owned by Phelps Dodge. The mine was very dark, although Armstrong and other actors inside the mine had small flashlights. Armstrong's job was to stand in a recessed area of the mine and wait for a mining train filled with passengers to come by. Armstrong would then step out to scare the passengers. She became wedged between the train and the wall of the mine, apparently when a rotted support timber gave way. Engineers operating the train could hear screams but weren't quite sure what was happening. They backed the train up, causing Armstrong to become wedged even more tightly. They then left the train to make a phone call for help. Armstrong suffered "positional asphyxia" and was unable to breathe. She died on the day following the incident. Her survivors filed suit, alleging that the mine was not properly lit and that there was no proper contingency plan to deal with emergencies that might arise.

Medical Bills: Funeral expenses.

Lost Wages: None.

Settlement: This case settled for \$2.5 million.