

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JAN LUNDQUIST	:	CIVIL ACTION
	:	
v.	:	No. 11-14
	:	
ASPLUNDH TREE EXPERT, CO., et al.	:	

Appearances

K. Rick Alvis, Esquire

Vincent A. Colianni, II, Esquire

For Plaintiff Jan Lundquist

Simone D. Francis, Esquire

David J. Cattie, Esquire

For Defendant Asplundh Tree Expert, Co.

JUDGMENT

Sánchez, J.

AND NOW, this 14th day of June, 2012, the issues having been tried, and the jury having rendered a verdict finding (1) Defendant Asplundh Tree Expert, Co. (Asplundh) and settling tortfeasor Junior Thomas were negligent; (2) Plaintiff Jan Lundquist suffered \$140,000.00 in damages; (3) Asplundh was comparatively responsible for 60% of such damages; and (4) Thomas was comparatively responsible for 40% of such damages, it is hereby

ORDERED AND ADJUDGED Lundquist is awarded \$84,000.00 on her negligence claim against Asplundh.¹

¹ Although Asplundh is jointly and severally liable for the total damages amount pursuant to V.I. Code Ann. tit. 5 § 1451, this amount is reduced by the comparative share of damages attributable to Thomas because he and Lundquist previously settled Lundquist's negligence claim against him. *See* Restatement (Third) of Torts: Apportionment of Liab. § 16 (2000). Therefore, the total damage amount of \$140,000 for which Asplundh is liable is reduced by 40%, resulting in an award of \$84,000.

JUDGMENT is entered in favor of Lundquist and against Asplundh in the amount of \$84,000.00.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.