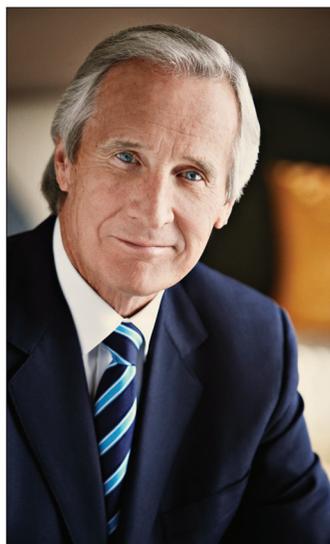


# MISSOURI LAWYERS WEEKLY

## Man Shot In Bank Parking Lot

*He Presented Evidence Of Five Similar Crimes*



Donald L. Schlappizzi

BY MO LAWYERS MEDIA STAFF

Jamal Duqum sued NationsBank, which later became Bank of America, after he was shot in the parking lot of a bank branch on Goodfellow in St. Louis.

As Duqum got out of his car on Jan. 21, 1997 to make his business deposit, a man with a gun approached, shot him in the chest and took his moneybag. He suffered a collapsed lung and later developed post-traumatic stress disorder. At the time of the robbery, the bank had a security guard stationed inside but not outside the bank.

Duqum argued that his claim came under the violent crimes exception to the general rule that business owners have no duty to protect business invitees from the criminal acts of un-

known third parties. He presented evidence of five similar crimes on bank property within the last four years. The crimes were a purse snatching, an attempted armed robbery and three armed robberies.

Duqum claimed the crimes were sufficiently similar in nature and sufficient in number to put the bank on notice of a danger to customers and to impose a duty on the bank to protect against the danger. He presented evidence that a uniformed security guard on the parking lot would have deterred the crime.

The bank claimed only one of the five crimes had occurred in a sufficiently recent time to be considered. The bank also argued that even if all five crimes were considered, the level of security was adequate.

### \$240,000 Verdict

**Type of Action:** Premises liability

**Type of Injuries:** Gunshot wound to chest, pneumothorax, post-traumatic stress disorder

**Court/Case Number/Date:** St. Louis City Circuit Court/982-1482/March 2002

**Caption:** Duqum v. Bank of America

**Judge, Jury or ADR:** Jury

**Name of Judge:** Verdict or Settlement:  
\$350,000 settlement

**Special Damages:** \$21,606 medical expense;  
\$19,800 lost wages

Allocation of Fault: N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorneys for Plaintiff:** Donald L. Schlappizzi and Michael Swafford, St. Louis

**Insurance Carrier:** Royal Sun Alliance

**Plaintiff's Experts:** Lance Foster, Tampa, Fla. (security expert); Dr. Thomas Manglesdorf, St. Louis (psychiatrist); Dr. Wayne Stillings, St. Louis (psychiatrist)

**Defendant's Experts:** William Gearin, Clermont, Fla. (security expert); Ronald Hunter, Cave Springs, Ga. (security expert); Dr. Robert Margolis, St. Louis (neurologist)