

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI MOLLY LIVINGSTON
Clerk of Clinton Co. Circuit Court

RHONDA STANLEY as Next Friend for)
Prestyn Price, a minor,)
)
Plaintiff,)
)
Vs.)
)
BONNIE M. BECK d/b/a)
DOWN UNDER CAMP RESORT, et ux., et al.)
)
Defendants.)

Case No. 14CN-CV00352

FINAL JUDGMENT

ON THE 12th day of May, 2016, the Plaintiff appeared personally and by and through her attorney, William W. Bird of The Bird Law Firm, P.C. and Defendant Bonnie Beck appeared not. The parties waived the right to a jury trial and, having set the matter for final hearing on damages on a date agreed to by the parties during hearing on Plaintiff's Motion for Interlocutory Default Judgment Pursuant to Rule 74.05(B) held on February 23, 2016, the Court took up the matter and heard the evidence. The Court having heard the evidence, considered the pleadings and after due consideration finds as follows:

1. This case was filed on June 11, 2014.
2. Summons was served on all defendants on June 19, 2014 in Clinton County, Missouri; the acts and omissions at issue occurred in Clinton County and this Court thereby has personal jurisdiction over all Defendants, subject matter jurisdiction over this action and venue is proper before this Court.
3. Defendants' answers were due no later than July 19, 2014.

4. Defendants Bonnie M. Beck and Oren D. Beck entered their appearance in the Case by filing a Request for Extension of Time to File Responsive Pleading on July 14, 2014 seeking an extension of time to September 15, 2014 to file responsive pleadings.

5. The Court granted Defendants' Bonnie and Oren Beck's Request for Extension of Time to File Responsive Pleadings by Order dated July 17, 2014 giving them until September 15, 2014 to file their responsive pleadings.

6. On September 15, 2014 Defendants Bonnie and Oren Beck filed their second Request for Extension of Time to File Responsive Pleading to October 15, 2014.

7. Plaintiff's counsel sent a letter to Defendants on September 23, 2014 indicating there was no objection to the 2nd request for an extension of time; asking for insurance information and that the Defendants have their attorney contact Plaintiff's counsel. A true and accurate copy of said letter is attached hereto and incorporated herein by reference as Exhibit A.

8. In 20 months since filing their second Request for Extension of Time to File Responsive Pleading, Defendants have never sought a hearing regarding their 2nd Request for Extension of Time to File Responsive Pleading.

9. Plaintiff's counsel spoke with Defendant Oren Beck on October 20, 2014 regarding this lawsuit. Mr. Beck indicated he had spoken with counsel, but did not currently have an attorney of record. Plaintiff's counsel advised Mr. Beck he and his wife were in default for not having filed an answer.

10. On October 27, 2014 Plaintiff's counsel sent a letter to Defendant Oren Beck reiterating that the Defendants were in default for failing to file an answer, but agreeing not to take a default judgment against the Defendants until Defendants provided an affidavit indicating

they had no liability insurance or November 30, 2014—whichever came first. A true and accurate copy of said letter is attached hereto and incorporated herein by reference as Exhibit B.

11. On December 17, 2015 Defendant Mrs. Beck appeared at a hearing noticed by the Court. Despite appearing at the hearing and having knowledge the case was proceeding, Mrs. Beck has failed to plead or otherwise respond to the Petition.

12. On February 23, 2016, Defendant Mrs. Beck appeared for the hearing on Plaintiff's Motion for Default Judgment Pursuant to Rule 74.05(B). At that hearing the Court granted Plaintiff an interlocutory judgment of default judgment (which was entered on March 14, 2016) and, with the consent of both parties, set the matter for final hearing on damages to take place on May 12, 2016.

13. Despite being given several opportunities to avoid a default, Defendants failed and refused to file any responsive pleading with the Court in the 23 months since they were served with summons in this case.

14. On March 14, 2016, this Court entered its Interlocutory Judgment of Default against Defendant Bonnie Beck Pursuant to Rule 74.05(B).

15. On May 23, 2016, Plaintiff dismissed its claims against all remaining defendants without prejudice.

16. The only remaining Defendant, Bonnie Beck, being previously determined to be in default and failing to appear or otherwise plead, Defendant Bonnie Beck is in default.

17. Plaintiff's Petition states a proper cause of action against Defendant Bonnie Beck under Missouri law. The facts alleged in Plaintiff's Petition are deemed admitted. As such Defendant Bonnie Beck is hereby determined negligent and such negligence by Defendant

Bonnie Beck caused or contributed to cause the wrongful death of Justyn Price and Plaintiff's damages.

18. At all pertinent times Ms. Beck was doing business as Camp Down Under.

19. At all pertinent times decedent Justyn Price, Plaintiff Prestyn Price, and Justyn Price's mother Rhonda Stanley, were business invitees of Ms. Beck.

20. Plaintiff testified and introduced evidence regarding the pecuniary losses suffered by Plaintiff Prestyn Price (decedent Justyn Price's only child) and by herself as decedent Justyn Price's mother by reason of the death of her son; the funeral expenses; Justyn Price's profession, earnings, future plans; Justyn Price's close relationship with his mother and his son and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training and support which Justyn Price provided to them.

21. After considering all statutory factors and the evidence from Plaintiff regarding damages including, but not limited to the pain and suffering incurred by Justyn Price during his prolonged death following a brutal attack during which he was viciously stabbed at least 10 times—uttering his last words in his mother's arms while his three year old son was nearby in a cabin rented from Defendant Bonnie Beck—the Court finds the fair and reasonable amount of the damages in the case total \$2,500,000.00.

22. The Court also finds damages for aggravating circumstances are warranted given the pleadings and including, but not limited to, the testimony indicating that Ms. Beck held herself out as a first-responder providing her telephone number as the Emergency Contact number rather than the Sheriff; that Ms. Beck knew or through the exercise of ordinary care should have known her campground and the surrounding area was the scene of numerous, recent and violent crimes during the three years prior to this incident including theft, breaking and

entering, assaults, assaults on campers, shots fired and the suspicious death of a camper; that Ms. Beck personally responded to reports from Justyn Price's group that another one of her business invitees was making threats of causing serious bodily harm to Mr. Price and his group; and that Ms. Beck told Rhonda Stanley (Mr. Price's mother) that she had handled the situation and NOT to call law enforcement in response to the threats—all of which the other campers eventually carried out by attacking Mr. Price and his group and brutally stabbing Mr. Price multiple times—resulting in his prolonged and agonizing death.

23. The Court finds Plaintiff presented compelling evidence that Plaintiff is entitled to an additional award of damages due to aggravating circumstances in the amount of \$5,000,000.

24. The appropriate post-judgment interest rate applicable to the judgment is 5.5% pursuant to Section 408.040.2 RSMo.

Now, on this 9th day of June, 2016, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that FINAL JUDGMENT is hereby granted in favor of Plaintiff and against Defendant Bonnie Beck in the total amount of \$7,500,000. Costs are assessed against Defendant Bonnie Beck. This Judgment shall bear post-judgment interest at a rate of 5.5% until satisfied. Let execution therefore issue immediately.

IT IS SO ORDERED.

JUNE 9, 2016
Date



Daren L. Adkins
Assigned Circuit Judge