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Jury faults city, clears driver in death

By **Heather Ratcliffe**

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St. Louis — Jurors put full blame Wednesday on the city of St. Louis for the death of a woman who took to the street with her wheelchair to avoid a broken and overgrown sidewalk.

In a little more than an hour of deliberations, they awarded \$250,000 to the parents of Elizabeth "Lisi" Bansen, 40, and absolved the driver of the vehicle that hit her.

"It's a relief," said Arnold Booker, 47, the driver. "But it's still sad that a life was lost. It's a huge weight on me. And this verdict doesn't bring their loved one back."

Thomas McDonnell, an attorney for the city, had argued that the sidewalk on the south side of Delmar Boulevard was passable, and that in two years of living nearby, Bansen had never complained about its condition.

City Attorney Patti Hageman said the verdict wasn't surprising. She said the city had offered a \$125,000 settlement, which the family refused in its pursuit of more than \$300,000 in wrongful death damages.

The St. Louis Circuit Court jury reached a unanimous decision, although it takes agreement among only nine of the 12 to reach a civil case verdict.

Booker was on the way downtown to pick up his wife from work when he struck Bansen about 6 p.m. Nov. 2, 2005, on Delmar near Jefferson Avenue. He said he never saw her in the dark; a street lamp in the area was burned out. He was never charged in the incident.

Bansen had been returning to her nearby apartment after buying a sandwich at the Mobil convenience store on the corner. Some witnesses said she had no choice because the sidewalk in that stretch was impassable for a wheelchair.

Peter Bansen, her brother, said his family sued to bring attention to the problem.

"Our goal was to create a safe environment for Lisi's friends and neighbors, who have become our friends," said Bansen, a fire chief in California.

He said he recently visited with Jacqueline Kimbrough, another woman in a wheelchair, who was a neighbor of his sister's at the Lucas Heights Apartments in the 2800 block of Delmar. He said Kimbrough still uses the street to get to the same store.

"The city is aware of the dangerous situation," Bansen said. "And it should be corrected."

The city's director of streets, Todd Waelterman, said Wednesday afternoon that he was not sure whether the sidewalk had been fixed. "I can only tell you the

truth: I do not know."

But Hageman said she understood it had been fixed.

An examination by a reporter Wednesday showed that more than half of the route Bansen took, the area near the Scott Joplin Historic Site, does appear to have new sidewalks, with curb ramps.

McDonnell had told the jury the city spent more than \$9 million over the past 10 years installing 6,720 wheelchair curb ramps, with a priority on important destinations, like hospitals.

Peter Bansen said the family understands why Booker was not held responsible.

"The jury felt he was doing the best he could do," Bansen said. "We've always felt real compassion for him."

Lisi Bansen, a Philadelphia native, moved around much for her adult life, looking for independence and a place where she could contribute to the disabled community, her family said. She moved to St. Louis from Columbia, Mo., about two years before she died.

Doctors diagnosed Bansen with a brain tumor in 1988 while she was attending Earlham College, a Quaker liberal arts college in Richmond, Ind., relatives said. Three brain surgeries left her motor skills and speech damaged, leading to her reliance on a wheelchair.

The surgeries left her intellect and wit intact, said Robert Bansen, her father.

"She knew her own mind and always spoke it clearly," he testified. "She was a person who would adapt to the conditions and never complained."

Jake Wagman and Jeremy Kohler of the Post-Dispatch contributed to this report.

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