

Family of injured student sues former attorney

By Laura Nichols
COLLEGIAN STAFF WRITER

The Stidds are suing their former attorney for malpractice after they said she advised them not to pursue almost \$950,000 in compensation following an incident that left their son incapacitated.

Aaron Stidd was a Penn State student and Delta Upsilon fraternity rush chairman when he was hit by a car while crossing South Atherton Street on the night of Oct. 28, 2006.

The driver, Anthony Torsell — who was 20 at the time — had a blood alcohol content of .242 percent and was traveling at 50 mph, police said.

Stidd was in a coma for some time following the accident. Even after multiple surgeries and many hours of physical therapy, Stidd has still not regained the ability to perform daily functions and activities, according to court documents.

Medical bills remain to be a problem for the Stidd family, according to court documents. J. and Connie Stidd hired C. Lee Anderson in November 2006 in an effort to seek compensation for their son's accident, according to court documents.

"He has lost the enjoyment of his normal activities and life," court documents state.

Now, the Stidds are suing their former attorney on one count of a professional liability claim, or malpractice, and another count of breach of contract, according to court documents.

Anderson failed to act with the

skill and care that would normally be carried out by an attorney under similar circumstances, the family alleges.

Anderson told the Stidds they would at most be able to receive \$100,000 in compensation for their son's accident, when they could have been granted up to \$500,000 if they had pursued a civil suit against individuals who gave alcohol to Torsell, according to lawsuit.

In total, compensation left unclaimed by Anderson totals \$950,000, according to court documents.

However, the Stidds were led to believe they would not be able to accrue any insurance money in suing Gregory Daughenbaugh and Laura Fry, who were both charged with furnishing alcohol to Torsell.

The Stidds were told they "could not get blood from a stone," Anderson is quoted as saying. It would be a "losing proposition," he said, according to court documents.

The Stidds said they wanted to pursue every legal civil action against any responsible parties that attributed to their son's accident, but the family members said they were coerced by Anderson into signing a waiver releasing several parties from liability, according to court documents.

Torsell is currently serving a six-year prison sentence after the incident left Stidd critically injured and killed Richard Smith, who was 21 years old and visiting Penn State.

Following the incident,



Aaron Stidd, who was hit by a car on Oct. 28, 2006, rests in Rehab a year later. Aaron's mother, Connie, left, and her husband, not pictured, are suing their attorney C. Lee Anderson for malpractice.

Daughenbaugh and Fry were charged and convicted in criminal court in connection with furnishing alcohol to Torsell, according to court documents.

Torsell, Nationwide Insurance, Torsell's father Daniel and "all other persons" — which included Daughenbaugh and Fry — were released in 2007 from any liability or from being sued again in connection with the 2006 accident, according to the court documents.

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Timeline

- Oct. 28, 2006** — Former Penn State student Aaron Stidd and visitor Richard Smith are struck by Anthony Torsell, killing Smith and leaving Stidd with severe brain injury
- Sept. 26, 2007** — Torsell found guilty of vehicular homicide
- Nov. 13, 2007** — Torsell sentenced to four to eight years in prison
- Oct. 17, 2008** — Stidds file lawsuit against Laura B. Fry and Gregory J. Daughenbaugh, Jr., alleging the two defendants furnished alcohol to Torsell
- Nov. 10, 2009** — A Centre County judge rules a settlement between the Stidds and Torsells restricts the Stidds from suing other individuals in connection with the incident

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