

**MISSOURI COURT OF APPEALS, WESTERN DISTRICT  
Special Division**

**W. Douglas Thomson, Presiding Judge  
Alok Ahuja, Judge  
Zel M. Fischer, Special Judge**

**April 9, 2024  
Northwest Missouri State University  
Maryville, Missouri**

**WD86389**

**Christopher Hanshaw, Appellant,**

**v.**

**Crown Equipment Corp., et al., Respondents.**

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Appellant Christopher Hanshaw appeals the judgment of the Circuit Court of Jackson County entering summary judgment in favor of Respondent Crown Equipment Corporation (“Crown Equipment”). Hanshaw brought an action against Crown Equipment alleging that a forklift designed and manufactured by Crown Equipment was defective. As alleged by Hanshaw, he was operating a Crown RC5500 forklift at his job, and the forklift did not respond correctly. Hanshaw alleged that, when he raised his foot, the forklift should have stopped. It did not stop, and, as a result, plaintiff struck a metal pole causing serious injury to his left foot. Hanshaw ultimately had to have his left leg amputated below the knee. Hanshaw sought to have an expert witness testify as to design defects with the forklift. The circuit court excluded the testimony of Hanshaw’s expert witness finding that Hanshaw had not satisfied the burden of establishing that the witness was qualified and proffered reliable opinions regarding design defects. The circuit court then granted summary judgment to Crown Equipment. This appeal followed.

Appellant’s points on appeal:

1. The trial court erred in granting the Motion to Exclude regarding the testimony of the proffered expert witness, because the witness is qualified to testify under the requirements of § 490.065, RSMo, in that he is a mechanical engineer with a masters in engineering specializing in forensic engineering, he has published multiple peer reviewed papers regarding various safety aspects of forklifts, he is certified to operate and train others to operate forklifts, he has education and experience in the field of biomechanics, and he has extensive experience evaluating the safety of stand-up forklifts and conducted extensive review and analysis of the Crown RC5500 forklift involved in this case as well as Plaintiff Hanshaw’s accident.
2. The trial court erred in granting the Motion to Exclude on the basis that Plaintiff failed to establish the proffered expert witness’ opinions regarding the design defects of the Crown 5500 stand-up rider forklift were reliable, because the witness’ opinions are reliable as required by § 490.065, RSMo, in that the witness has extensive experience, including

publishing peer reviewed papers, evaluating and analyzing the operation, design, and safety of forklifts, he applied all that experience when he conducted extensive review and analysis of the Crown RC5500 forklift involved in this case as well as Plaintiff Hanshaw's accident, he conducted extensive analysis of the video of the accident to determine the speed and motion of the forklift which allowed him to determine the why Plaintiff Hanshaw's left leg was outside the operator's compartment and to conclude that the Crown RC5500 stand-up rider forklift is unsafe without the installation of a latching door, spring-loaded door, or a bumper, and the witness' opinions are supported by his prior work installing a door on a Crown stand-up rider forklift and Defendant Crown's prior sale of stand-up rider forklifts with an optional door.

3. The trial court erred in granting the Motion for Summary Judgment in favor of Defendant Crown Equipment, because genuine issues of material fact exist regarding whether the Crown 5500 stand-up rider forklift is defectively designed and caused Plaintiff's injury, in that based on the proffered expert witness' testimony, genuine issues of material fact exist regarding how or why Plaintiff Hanshaw's left foot was outside the operator's compartment at the time of the accident, the cause of the accident, whether Crown's stand-up rider forklifts should be equipped with doors, whether stand-up rider forklifts without doors are dangerous because of the risk of serious lower limb injuries, and whether installing a latching door, a spring-loaded door, or a bumper on the Crown RC5500 would improve safety.
4. The trial court erred in granting the Motion for Summary Judgment regarding Plaintiff's punitive damages claim against Defendant Crown Equipment, because genuine issues of material fact exist regarding whether Defendant Crown Equipment acted with complete indifference to or conscious disregard for the safety of operators of their forklifts, in that Defendant Crown knew that hundreds of people have suffered serious lower left leg injuries as a result of the design of their stand-up rider forklifts and that people continued to suffer lower left leg injuries, Defendant Crown also knew that it was possible to add a door, as the proffered expert witness has suggested, to their stand-up rider forklifts, and despite this knowledge, Defendant Crown has not made any changes to its warnings or directions since 2008 and decided to no longer build stand-up rider forklifts with doors.

**WD86542**

**Darrel Blankenship, Appellant,**

**v.**

**5th Circuit Court of Buchanan County, Municipal Division, City of Saint Joseph, Defendants; Missouri State Highway Patrol Criminal Justice Information Services, Buchanan County Prosecuting Attorney(s)/Circuit Attorney(s), Respondents; Buchanan County Sheriff's Department, Saint Joseph Police Department, and Federal Bureau of Investigation, Defendants.**

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Appellant Darrel Blankenship appeals from the judgment of the Circuit Court of Buchanan County partially denying his petition for expungement of his criminal records. Blankenship had

two felony drug convictions that had been adjudicated in two separate cases. Blankenship sought to have both convictions expunged on a theory that both were committed in a single course of conduct. Blankenship alleged that he manufactured and distributed methamphetamines. He was arrested and charged with manufacturing or distributing methamphetamines on April 26, 2004. Blankenship alleged that, while in custody, he continued to run his illegal drug operation, and, after he was released on bond, Blankenship immediately began manufacturing and distributing methamphetamine again. Blankenship was then later charged with manufacturing and distributing methamphetamines while on bond, and he was ultimately convicted on both charges. Blankenship contends that the felonies were from the same course of conduct because he continuously had the same process, location, and distribution routes for his illegal drug operation. The circuit court disagreed and found that Blankenship was only entitled to expungement for one offense. The court expunged one conviction but granted the Missouri Highway Patrol's motion for directed verdict and denied the expungement of the additional conviction. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in granting standing to Missouri State Highway Patrol at the trial level, because §610.140.5, RSMo, limits standing to argue to the office of the prosecuting attorney, circuit attorney, or municipal prosecutor who prosecuted the offenses listed in the petition, in that this case would have been uncontested if the trial court would have ruled against Missouri State Highway Patrol's standing at the trial level since the Prosecuting Attorney's Office was in default.
2. The trial court erred in expanding Appellant's burden of proof beyond §610.140.5(1-6), RSMo, because §610.140.7, RSMo, states the court shall enter an order of expungement if all the criteria of subsection 5 of §610.140, RSMo, are met, in that the trial court found Appellant to meet all requirements in subsection 5 of §610.140, RSMo, for both cases in question which should have resulted in the granting of the expungement in both cases.
3. The trial court erred in sustaining Buchanan County Prosecuting Attorneys Office's Motion for Leave to Answer Out of Time as a matter of right, because a party in default does not come out of default based on an amended petition that seeks no new claim of relief, in that taking Buchanan County Prosecuting Attorneys' Office out of default expanded Appellant's burden beyond §610.140.5, RSMo, which was met for both cases.
4. The trial court erred in holding Appellant's offenses in the two cases were not committed as part of the same course of criminal conduct, because same course of criminal conduct should be found in cases involving offenses committed in the same manner with the same motives, in that using a concise definition of same course of criminal conduct would have found the offenses in both cases within the same course of criminal conduct.