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Jury awards \$11.4 million for boy injured at speedway

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Texas Motor Speedway, family go to court over injuries to boy in 2006

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FORT WORTH — A Tarrant County jury awarded more than \$11 million Monday to the family of a boy who was seriously injured after being struck by a car driven by another child at Texas Motor Speedway.

The parents of Ryan Davies sued the speedway after a 2006 accident that left Davies with brain injuries that limit his mobility and mental capacity.

The other boy lost control of a miniature race car while driving across a pit area at the Lil' Texas Motor Speedway, a paved fifth-mile oval track at the speedway. The 12-year-old driver narrowly missed a trailer and several parked cars before slamming into Ryan Davies, then 11, who was playing football with other boys in the pit area.

Texas Motor Speedway President and General Manager Eddie Gossage said through attorney Mark Hatten that "Texas Motor Speedway respects the jury's decision. However, we want to assure our fans that safety is our top priority." Added safety precautions were put in place after the accident to prevent future problems, Gossage said.

Ryan Davies' parents, Karen Zina and William Davies, had said that Texas Motor Speedway was responsible for the accident because the race track did not provide barricades, signs, a kill switch on the car and proper instructions to prevent an accident.

The speedway however, contended that the young driver and his parents, Angela and Richard Kenyon, were responsible because they knew that their son had a "mental and/or emotional condition" that made him "incompetent" to drive the car.

The young driver was diagnosed with "pervasive development disorder," a broad-spectrum disorder that doctors said is similar to mild forms of Asperger's syndrome or autism, but he had no restrictions on his activities, witnesses testified.

After a three-week trial in 348th District Court, a jury found that the speedway and the Kenyons were negligent in the accident. The jury said TMS was 80 percent responsible and that Angela and Richard Kenyon were each 10 percent responsible. The young driver and William Davies were found not responsible.

The jury awarded damages totaling \$11.4 million to the Davies family, not including past medical expenses of at least \$1.4 million and any prejudgment interest, said Chris Collins, one of two Fort Worth attorneys who represented the Davies family.

The award includes \$8.5 million to Ryan Davies, now 14, for his medical expenses after he turns 18, plus money for disfigurement, pain and mental anguish and loss of future earnings. Zina, his mother, received \$721,000 to cover medical care for her son until he turns 18.

The jury awarded additional damages to Karen Zina and William Davies, who are divorced, and to another son, who all witnessed the crash.

The jury also determined that parental consent and liability waivers signed by the injured boy's Denton County parents did not apply to the accident.

Ryan Davies spent 10 months at Cook Children's Medical Center recovering from traumatic brain injuries. A neurologist testified that he will never live independently and will need help with daily tasks such as bathing, dressing and eating.

The Davies family is "extremely pleased" with the verdict, despite his "difficult future," Collins said in a statement.

"We are encouraged that the jury's award will provide the financial means necessary to provide for Ryan's good care and treatment for the rest of his life," Collins said. "We are also hopeful that news of this case will generate support for a heightened level of participant and spectator safety awareness for all facilities that offer motor sports to the young and inexperienced."

In a telephone interview, Richard Kenyon had little to say other than that he is happy "with the jury's decision to take care of Ryan."

David Chumbley, a Dallas attorney representing the Kenyon family, said: "They're good parents, and they feel like they made the right decision based on past experience and his physical activities. They had no reason to believe that their son couldn't drive that car."

This report includes material from the Star-Telegram archives.