



Family of women hit by police cruiser settles with city of Lincoln

By CORY MATTESON / Lincoln Journal Star | Posted: Wednesday, August 19, 2009 8:05 pm

Almost three years after a collision with a police cruiser left Jena Van Groningen in a vegetative state, her family has settled with the city of Lincoln.

Van Groningen, 21, has been in a coma since a police cruiser with its signal lights turned off hit her on the night of Nov. 5, 2006, as she attempted to cross a residential street.

Lancaster County District Judge John Colborn previously ruled that Van Groningen's family could not seek more than \$1 million in damages from the city and a former police officer.

Under those parameters, attorney David Domina said in a news release, the family worked with city officials to get nearly \$900,000 funneled directly to a special-needs trust that would not have to be paid to health care providers.

The court-ordered terms of the trust grant responsibility to Van Groningen's father, Kim Van Groningen, to administer the funds exclusively for her benefit.

"The settlement terms are remarkable," Domina said in a statement. "I hope the public will know they reflect the best in many, many people."

If any money remains in the fund after Jena Van Groningen dies, those funds will reimburse Medicaid for costs associated with her care.

Caring for Jena Van Groningen is a 24-hour-a-day duty for her mother, Deborah Chinnow. They live in a home specifically designed to cater to Jena Van Groningen's vegetative state. It was built by her grandparents, who Domina said have devoted their pensions and life savings toward her care.

To get the money, Domina said, several steps were taken:

- * The Nebraska Department of Health and Human Services, administering Medicaid funds, waived all its lien for its services.
- * Kim Van Groningen's employer, Lincoln Electric System, waived all of its \$600,000 subrogation lien.
- * The lawyers waived all but expense-covering fees.
- * Other health care providers accepted greatly reduced payments.

"This is the only way showers, lifts, physical therapy beds, a van, and essential equipment can be provided for this young lady's benefit," Domina said in the statement.

"It is also the only way her mother can get a bit of relief from the 24-hour nursing by having someone occasionally come in to provide in-home relief care."

Domina thanked city officials for taking appropriate actions following the accident - the officer was fired and never drove a police cruiser after Jena Van Groningen was hit.

Both parents, in the statement, expressed gratitude to those who helped secure the settlement.

"Without the cooperation and assistance of the city, the thoughtfulness of the health insurance companies and the selfless support of our lawyer, we would have recovered \$1 million for Jena but would have no money left," Kim Van Groningen said.

"If the health insurers and our lawyers had not waived the sums they were entitled to be paid, Jena would have nothing. We are grateful."

Said Chinnow: "Of course, we hope and pray that some miracle will come and Jena will, one day, wake up.

"But, realistically, we know we must keep her as comfortable as we can, express all our love, and be thankful for the time we had with Jena while she was intact. This special needs trust will help us care for Jena in the best way we can."

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