Wrongful death lawsuit results in $591,000 judgment

By Pamela Powers
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MENOMONIE — Family members of a 22-year-old deceased UW-Stout student said while they're grateful a jury awarded them nearly $600,000 Friday for the wrongful death of their son, they would have preferred the two men they hold accountable for Bradley L. Simon's death be forced to spend time in prison.

A Dunn County jury awarded Simon's parents, Philip and Kathy Simon of Waunakee, $591,000, concluding a weeklong trial in the wrongful death civil lawsuit filed on behalf of Bradley Simon's estate. The settlement includes money for medical costs, funeral expenses, loss of companionship and emotional distress.

The jury concluded Jared C. Britton, 25, of Maplewood, Minn., and Jedidiah R. McGlasson, 23, of Winona, Minn., were responsible for Bradley Simon's death after he crashed a bicycle he was riding into a concrete barrier in downtown Menomonie on Sept. 18, 2010, as Britton and McGlasson chased him.

Bradley Simon died five days later from head injuries sustained in the crash.

The 12-member jury awarded $25,000 punitive damages against McGlasson and $100,000 punitive damages against Britton. The jury's decision was unanimous.

Philip Simon said the case was never about money.

"What happened today will not bring Brad back," he said, noting the family had no other legal recourse. "We needed to get this behind us so we can move on."

Britton was found not guilty in July 2011 of felony murder and battery related to Bradley Simon's death. In November 2011, McGlasson pleaded guilty to a misdemeanor charge of disorderly conduct and was sentenced to jail, probation and community service. Felony murder and battery charges were dismissed.
Britton and Bradley Simon had disagreed in the Log Jam Tavern in Menomonie prior to Simon's being chased on a bicycle.

"This tragedy has been hanging over the community for a couple of years," said the Simons' lawyer, Daniel Rottier of Madison. "It certainly is a major step in trying to understand what happened and why it happened. It is important people recognize who is responsible."

Rottier conceded Bradley Simon, whose blood alcohol level was .225, consumed too much alcohol the night he was fatally injured. A group of UW-Stout hockey players and recruits, of which Britton and McGlasson were members, consumed 100 shots of alcohol that night.

Bradley Simon was fleeing for his life when he decided to ride the bicycle from the hockey players and recruits gathered outside the bar, Rottier said.

"If it meant my life, I would steal a bike in a minute. It tells us something about his need to get out of there. He was worried and he was frightened," Rottier said of Bradley Simon.

McGlasson has said he doesn't recall the events of the evening and early morning during which Simon was fatally injured. His lawyer, Michael Schwartz, argued Bradley Simon made numerous poor choices the night he was injured.

Britton has said McGlasson shoved the bike Bradley Simon was riding. However, the bouncer, Joseph Kuehn, working at the Log Jam at the time of the incident testified he saw Britton, not McGlasson push Simon off the bike. One witness, Scott Offerman, said Simon crashed without being touched.

Britton's lawyer, Earl Gray, noted Bradley Simon's high alcohol level and the state of the bike caused the incident.

"There was a lot of misconduct that night by a lot of people," Gray said. "It was a tragic accident and nothing more."

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