

# OF COUNSEL

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to clients  
and attorneys.

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## *Young Boy Suffers Serious Injuries at School Stop Sign*

**O**n Oct. 24, 1997, 14-year-old Damian Croft of Seminole, Fla. was seriously injured while riding his bicycle on the sidewalk. Accompanied by one of his friends, Damian was passing an elementary school on his way to the middle school he attended. At the same time, a garbage truck owned by Waste Collection Service Corporation and driven by Brian Morris was exiting the elementary school parking lot. Although a stop sign was located right before the sidewalk in front of the elementary school, witnesses testified that Mr. Morris passed the sign before coming to a complete stop. As Damian and his friend passed in front of the garbage truck, Mr. Morris released the brake and proceeded forward, striking Damian and running over his bicycle and his lower extremities.

Damian was airlifted to Bayfront Medical Center where it was discovered that he had suffered a fractured pelvis and a collapsed lung. Even worse, the femoral arteries in both legs were crushed. Surgery was performed on Damian's lower extremities and Gore-Tex grafts were placed in the right and left femoral arteries and the right femoral vein to reconstruct those blood vessels. Damian underwent several additional complex surgeries over the next several weeks in order to restore and maintain the function of his arteries and vein.

Damian's parents retained the law offices of David Kesler, P.A., in St. Petersburg, who filed a complaint against the



**Damian Croft with his sisters Tami (l.) and Robin.**

garbage truck driver and Waste Collection Service Corporation. After filing suit against both defendants, Mr. Kesler referred the case to attorney Chris Searcy, who in turn sought the assistance of colleague Darryl Lewis in litigating the case. The defendants vigorously argued that Damian darted out in front of the garbage truck, and was therefore responsible for causing his own injuries. However, with the use of accident reconstruction and computer animation, Mr. Searcy and Mr. Lewis were able to demonstrate how the accident occurred.

After one failed mediation, during which the defendants made no settlement offers, Mr. Searcy and Mr. Lewis attended a second mediation just days before the start of trial. During that proceeding, Mr. Searcy and Mr. Lewis successfully negotiated a \$1.1 million settlement on Damian's behalf. Damian's family chose to place a portion of the settlement proceeds into an annuity, which will provide Damian with a guaranteed source of income for the rest of his life. ■