

Bicyclist Seriously Injured by Vehicle Thief

Car Wash's Negligence Results in \$3 Million Jury Verdict

On July 14, 1999, Patrick Sharpe took his 1990 Pontiac Grand Prix to Top Hat Car Wash in West Palm Beach to be serviced. As a Top Hat employee was wiping down Mr. Sharpe's car, Carl Henry Ratliff, who was under the influence of alcohol, got into the vehicle and sped off. The keys were left in the ignition of Mr. Sharpe's car. According to eyewitnesses, Mr. Ratliff had been hanging around the cars at the car wash for about 15 minutes prior to the incident.

Ratliff traveled for about 90 minutes in the stolen vehicle. When he got to Congress Avenue in Delray Beach, he drove off the road and struck Jean Occidor, who was riding his bicycle on the sidewalk. Mr. Occidor is a Haitian immigrant who was working to support his wife and six children in Haiti.

Mr. Occidor suffered serious injuries to his right arm, resulting in the total loss of its use. He also sustained serious head trauma and knee injuries, and remained hospitalized for five months.

Suit was filed against Top Hat Car Wash by Mr. Occidor in October 2000. Attorney John Shipley represented Mr. Occidor. The lawsuit alleged, in part, "It was foreseeable to Top Hat Car Wash that leaving an automobile on the side of a very busy street, unattended, door open, with keys in the ignition, was an open invitation to theft." The car wash was located in a high crime area, and although no cars had been stolen from the car wash directly, there had been more than 300 vehicle thefts in the area the previous year.

During discovery, it was learned that Mr. Ratliff had been released from jail seven days prior to the stolen car incident. After the crash, he was apprehended and pled guilty to the charges. He testified that he had no recollection of the events of the day due to being "drunk and on drugs" at the time. As a consequence of this incident, he is serving seven years in a Florida state penitentiary.

On Tuesday, April 3, a Palm Beach County jury rendered a \$3 million verdict on behalf of Mr. Occidor. The six member jury, comprised of four men and two women, took less than five hours to reach their decision. The money obtained for Mr. Occidor will be used to pay for his current and future medical needs, as well as to expedite moving his family to the United States.

Since the accident, Top Car Wash has implemented a policy which requires employees to remove the keys from cars as they are being dried. ■