

Spring Break Vacation Turns Into Disaster for Dentist

During spring break of 1996, Dr. Tim Kulik, a dentist, and his family were driving to Florida from their home in South Bend, Ind. Having driven all night, Dr. Kulik turned over driving duties to his 17-year-old son, Michael, after a brief rest stop on I-75. Dr. Kulik instructed Michael to go with the flow of traffic and to “stay in the slow lane.”

Shortly thereafter, Trooper James Bond picked the Kuliks’ Suburban out of a line of traffic and initiated a traffic stop. Michael pulled to the side of the road and stopped. Unfortunately, due to construction, there was not an available emergency lane. Michael stopped the Suburban very close to the outside driving lane.

Trooper Bond stopped his patrol car in the grassy swale, much farther from the road, and approached the Suburban from the passenger side.

Dr. Kulik was seated in the front passenger seat. He had asked the trooper to give the ticket to him since he had instructed his son to go with the flow of traffic.

Trooper Bond told Dr. Kulik to shut his mouth. He also said his business was with the driver and that the Kulik vehicle had been the fastest car on the road. Knowing this was untrue, Dr. Kulik became agitated by Trooper Bond’s conduct and the two argued for some time. Trooper Bond then returned to his car to write Michael a ticket.

Michael was shaken after the trooper delivered the ticket, so Mrs. Kulik suggested that Dr. Kulik take over driving. Michael stepped from the driver’s door and Dr. Kulik exited the passenger door. They walked around the rear of the Suburban and passed each other near the left rear wheel. As Dr. Kulik was entering the driver’s door, he was hit by a passing motor home, crushing his left arm between the motor home and the Suburban door. Rendered unconscious at the scene, Dr. Kulik was

airlifted to Shands Hospital where he underwent emergency surgery.

To his doctor’s delight, Dr. Kulik’s arm was salvaged. However, he was left with a grossly disfigured, markedly dysfunctional limb. Two years and six very experimental surgeries later, Dr. Kulik finally returned to work. What little of his dental practice remained had been covered by volunteer dentists and one trainee.

Since that day, Dr. Kulik has been forced to work as a one-armed dentist, necessitating an additional chair-side assistant. His wife has returned to work full time as his dental hygienist. His practice has suffered drastically.

In a videotaped deposition, Trooper Bond admitted that he was aware of the highway patrol’s policy which instructed troopers to ensure the safety of motorists during traffic stops. He likewise acknowledged that troopers should move motorists to a safe area prior to initiating action. He admitted he thought the Kulik vehicle stopped too close to the road, and con-

sidered asking them to move, but did not do so because he considered them a flight risk. He denied that the stop in a construction zone posed any special danger, and attempted to claim he always approached stopped motorists on the passenger side, despite policy to the contrary. He denied behaving inappropriately with Dr. Kulik.

Trooper Bond had reprimands in his employment file for inappropriate motorist encounters. In fact, Trooper Bond’s own supervisor had signed one of the reprimands. Unfortunately, these records were inadmissible in court.

At the conclusion of this two week trial in Lake City, Fla., attorney Cal Warriner received a jury award for the Kulik family for \$3.175 million. ■



The Kulik’s Suburban after the accident.