

SUV abruptly turns across bicyclist's path causing collision, serious injury

On December 2, 2011, John Smith (not his real name) was riding his bicycle in Florida northbound on the shoulder of North County Road in Palm Beach. An SUV driven by Mary Jones (not her real name) abruptly turned into a driveway in front of his path, causing John to collide with Mary's SUV. The collision left him bruised and battered, with injuries to his neck. Medical examinations and treatment eventually determined that John would need cervical diskectomy (surgical removal of an intervertebral disk) and fusion surgery for his neck. After recuperating from the surgery, John was able to return to work but continued to have intermittent neck pain and stiffness.

John contacted SDSBS attorney **Brian Denney** and asked if he would represent him in an effort to hold the driver responsible for his injuries. The vehicle driven by Mary Jones was owned by a construction company. Mr. Denney filed suit in Palm Beach County against both the driver and the vehicle's owner. The construction company immediately began a vigorous defense, presenting a bicycle expert and two accident reconstructionists who testified that John Smith should have been able to avoid the crash, given the amount of time between the SUV's turn and the collision with the bicycle. Mr. Denney responded with experts who testified that the driver had created an emergent situation, leaving John Smith insufficient time to avoid the SUV. Following mediation just prior to trial, the case was settled for \$750,000 due John for the damages he suffered. ♦

Defense used accident reconstructionists to try to prove that bicyclist could have avoided collision but did not succeed.

Case was settled by mediation with \$750,000 due plaintiff.



Chris Searcy selected one of '500 Leading Lawyers in America' by Lawdragon

The *Lawdragon 500 Leading Lawyers in America*, 2012 edition, selected SDSBS attorney **Chris Searcy** as one of its Lawdragon 500. The guide for the legal profession stated that Mr. Searcy is the major force in Florida plaintiff claims. The Lawdragon 500 are selected from a combination of editorial research by Lawdragon staff, submissions from law firms, and online balloting. ♦

**SEARCY
DENNEY
SCAROLA
BARNHART
& SHIPLEY PA**
ATTORNEYS AT LAW



2139 PALM BEACH LAKES BLVD.
WEST PALM BEACH, FL 33409
TOLL FREE: 800-780-8607
LOCAL: 561-686-6300
FAX: 561-478-0754



THE TOWLE HOUSE
517 NORTH CALHOUN ST.
TALLAHASSEE, FL 32301
TOLL FREE: 888-549-7011
LOCAL: 850-224-7600
FAX: 850-224-7602

ATTORNEYS AT LAW:

ROSALYN SIA BAKER-BARNES
F. GREGORY BARNHART
T. HARDEE BASS III
LAURIE J. BRIGGS
BRIAN R. DENNEY
EARL L. DENNEY, JR.
BRENDA S. FULMER
MARIANO GARCIA
JAMES W. GUSTAFSON, JR.
MARA R. P. HATFIELD
ADAM HECHT
JACK P. HILL
KELLY HYMAN
DAVID K. KELLEY, JR.
CAMERON M. KENNEDY
WILLIAM B. KING
DARRYL L. LEWIS
WILLIAM A. NORTON
PATRICK E. QUINLAN
EDWARD V. RICCI
JACK SCAROLA
MATTHEW SCHWENCKE
CHRISTIAN D. SEARCY
JOHN A. SHIPLEY
CHRISTOPHER K. SPEED
BRIAN P. SULLIVAN
KAREN E. TERRY
DONALD J. WARD III
C. CALVIN WARRINER III

PARALEGALS:

VIVIAN AYAN-TEJEDA
RANDY M. DUFRESNE
DAVID W. GILMORE
JOHN C. HOPKINS
DEBORAH M. KNAPP
VINCENT LEONARD
J. PETER LOVE
PABLO PERHACS
ROBERT W. PITCHER
KATHLEEN SIMON
STEVE M. SMITH
BONNIE STARK
WALTER STEIN



WEBSITES:

WWW.SEARCYLAW.COM
WWW.SEARCYLAWTALLAHASSEE.COM
WWW.ABOGADOSPARASUFAMILIA.COM
WWW.SEARCYMASSTORT.COM

**Of
Counsel**

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MANAGER: **JOAN WILLIAMS**

MANAGING EDITOR: **ROBIN KRIBERNEY**

EDITORS: **DIANE TRUMAN & PAULINE MUELLER**

HEADSHOT PHOTOS: **MOYA PHOTOGRAPHY**

CREATIVE DIRECTOR: **DE CARTERBROWN**

NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.