

Tractor-trailer/minivan collision results in \$5 million settlement

Injuries from horrific crash leaves happy, active, care-giving woman 46% permanently disabled

On Monday, November 7, 2016, Virginia Olivo, started a new shift at work with Disney World in Orlando, which meant she got to go home an hour earlier than usual. It was a bright, sunny Florida day when she began her commute home on SR 417, also known as the Central Florida Greenway, a four-lane highway divided by a grassy median. As Virginia approached the interchange with Boggy Creek Road in her Chrysler minivan, a tractor-trailer was travelling in the opposite direction on its way to Lakeland. The truck driver had been travelling the Greenway following a pick-up truck in the outside lane for approximately 20 minutes.

The truck driver testified that he noticed the pick-up truck beginning to slow down, so he decided to pass it. As he did so, the truck driver looked to his right to check his blind spot. When he returned his gaze



forward, he was already too close to the pick-up truck, striking it, causing it to spin around facing in the opposite direction. Since the truck driver had already started to turn the wheel to the left to pass the pick-up truck, his tractor-trailer continued in a leftward direction of travel, onto the grassy median and crashing through two sets of heavy steel guardrails. Before Virginia could take evasive action, the entire tractor-trailer was already in her path, blocking all lanes.

Virginia does not remember the crash, but the truck driver said that when he looked out the passenger side window of his truck and saw Virginia, he thought she was dead.

When the tractor-trailer came into her lane, it crashed head-on into Virginia's minivan. It is a miracle that she survived. She was air lifted to the nearest trauma center. *(Continued on page two.)*

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& SHIPLEY PA**
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Chris Searcy honored with Anti-Defamation League Award in 2017

The honor was for the 2017 ADL Palm Beach Jurisprudence Award for his contributions to the legal profession and his community

In November 2017, the Anti-Defamation League announced that **Chris Searcy** was a recipient of its "2017 ADL Palm Beach Jurisprudence Award." The Award was established to recognize individuals who have made an outstanding contribution to the legal profession and to the community at large, while exemplifying the principles upon which the Anti-Defamation League was founded. Following the announcement, U.S. Representative Lois Frankel

(D-FL) offered congratulations to Mr. Searcy and to co-recipient, Steven Daniels (Saul, Ewing, Arnstein, & Lehr) in her speech before the House of Representatives on November 8, 2017. In her comments regarding Mr. Searcy, she said, "For 43 years, he has litigated cases primarily involving catastrophic injury and death in venues throughout Florida, as well as other states. He has been honored numerous times for his exceptional advocacy and extraordinary contributions to the cause of justice. He is well known for his generous contributions to many non-profit organizations committed to helping the disabled, improving education, and advancing community causes." We join Rep. Frankel in saying, "Congratulations, Chris, and thank you for your many years of excellence." ♦



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She endured numerous surgeries over the course of the next several days. Although Virginia survived, her life was changed forever.

Virginia was bruised all over her body, a common result of a heavy frontal collision for a seat belted driver with airbag deployment. But she also had a dislocated right elbow; comminuted (pulverized) right tibia and fibula fractures; fracture of the left humerus (long bone of the upper arm); lacerations and fracture of the left elbow; comminuted

fracture of the left femur and patella; and fracture of the left ankle. Recovery, over many, many months, involved numerous surgeries, screws, plates, and wires installed in various reconstructions, physical therapies, and her own personal determination to survive the abrupt disruption to her ability to live her life.

Virginia was an incredibly active woman – truly living life to the fullest. She traveled, hiked, swam, fished, sky-dived, ran half-marathons, and danced with family and friends. As wife and mother of three, the collision had a devastating impact on her family. Virginia's husband, Peter Olivo, a highly decorated military veteran who lost both of his legs in Vietnam, enjoyed an active, loving marriage, where Virginia was

the happy caretaker of both home and husband. She took care of the house, including taking care of the pool, maintaining the water purification system, and in every other way taking care of their home. Virginia and Peter traveled, dined, entertained, and lived a very full and happy life.

Because of the accident, Virginia is no longer capable of fully caring for herself, or fulfilling her usual responsibilities and desire to care for Peter and their home. Their life has abruptly changed – and their joy with it. She was evaluated as having experienced a 46% permanent partial impairment of the whole person, not including the suffering she would endure for depression resulting from persistent pain.

The Olivos contacted SDSBS attorney **Mariano Garcia** through their long-time Kissimmee attorney and friend, Charles Draper. Mr. Draper felt that SDSBS' experience with trucking cases would serve his clients and friends well and asked that Mr. Garcia investigate the accident and see if there was a claim that could be pursued. Mr. Garcia immediately retained engineers and trucking experts to evaluate the scene, the tractor-trailer, and the driver's history to determine responsibility. As a result, suit was filed in Orange County Circuit Court and, after months of litigation, the parties participated in a court-ordered mediation before the case went to trial. As a result, Mr. Garcia obtained a settlement of \$5 million for the family. The settlement will not return the active life of Virginia and Peter, but it will help mitigate the cost of new life-style limitations. ♦



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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.