

Failure to yield right-of-way results in serious collision

SDSBS attorney clearly explained right-of-way liability under Florida Statute.

On October 11, 2019, Jennie Williams (not her real name) was driving southbound at the posted speed limit on Congress Avenue, approaching the intersection of Miner Road in West Palm Beach, Florida. As she entered the intersection under a yellow light, a lawn maintenance van driving northbound made a sudden left turn directly into the path of Ms. Williams. The T-bone collision was violent, causing serious injuries to Ms. Williams and destroying her car. She was transported from the scene of the accident to JFK Medical Center. She suffered fractures to her right ankle and foot requiring open reduction and internal fixation surgery. She suffered injuries to her neck as well. Both vehicles had to be towed from the scene.

While beginning her effort to recover from the collision, Ms. Williams filed a claim against the lawn maintenance company for the injuries and damages. The lawn maintenance company's insurance company contended that Ms. Williams was solely at fault for the crash and denied her claim. Ms. Williams contacted SDSBS attorney **Matt Schwencke** and asked for his help in seeking accountability.

Mr. Schwencke advised the insurance company's defense lawyer and the lawn maintenance company's insurance adjuster that this was, indeed, a clear case of liability but that the lawn maintenance company's driver was solely to blame for the crash. Mr. Schwencke pointed to Florida Statute



316.122 which states "the driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway, shall yield the right-of-way to any vehicle approaching from the opposite direction, or vehicles lawfully passing on the left of the turning vehicle, which is within the intersection or so close thereto as to constitute an immediate hazard."

The case was litigated for approximately ten months before the defense compelled Ms. Williams to provide a Compulsory Medical Evaluation. The defense examiner found that Ms. Williams's ankle was permanently injured as a result of the collision and assigned her a permanency rating of 10-12% of the lower extremity and 4-5% of the body as a whole. The examiner's report was received just prior to the court's order for mediation. Mr. Schwencke advised that a motion for summary judgment on legal causation was forthcoming. Shortly thereafter, the insurance company tendered policy limits of \$500,000. ♦



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SDSBS attorneys recognized as "2020 Top Lawyers" by Palm Beach Illustrated magazine

Palm Beach Illustrated magazine recently published its list of 2020 Top Lawyers. Included in the recognition were **Chris Searcy, Jack Scarola, Greg Barnhart, Sia Baker-Barnes, Brian Denney, Brenda Fulmer, Jack Hill, Matt Schwencke, Karen Terry, Cal Warriner, and Jordan Dulcie.** ♦