

VERDICTS & SETTLEMENTS

Defendant fled, then returned to scene after striking bicyclist

\$290,000 Settlement

On April 2, 2012, at approximately 8:00 p.m., the plaintiff was riding his bicycle in the direction of traffic on the right-most edge of a two-lane road. The defendant, who had recently turned 18, struck the plaintiff on the rear of the bicycle and fled the accident scene. The defendant returned to the accident scene with his mother as the plaintiff was being loaded into an ambulance. The defendant told the police officer he thought he struck a trashcan or mailbox. The defendant also claimed that an oncoming car had its high-beam lights on and was driving into his lane at the time of impact. The officer did not issue the defendant a ticket and noted in his report that a light on the

rear of the plaintiff's bicycle was off when he arrived at the accident scene. The defendant's insurance company denied liability before suit was filed.

The plaintiff filed suit and subpoenaed the defendant's cell phone records, which showed that the defendant was on his cell phone when he struck the plaintiff. In addition to the defendant, counsel deposed several people that the defendant's cell phone records showed he called or texted around the time of the accident including his parents and girlfriend. During discovery, it was revealed that after the impact the defendant pulled into a parking lot a short distance from the accident scene where he observed significant damage to the right front of his vehicle. After calling his mother to figure out what to do next, the defendant drove past the accident scene, where he saw police and rescue where he thought he struck a mailbox or trashcan. The defendant then met his mother at another location and she accompanied him back to the accident scene. The defendant claimed that he never saw the plaintiff on his bicycle.



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The plaintiff maintained that the light on the rear of his bicycle was illuminated when he was struck. Counsel was prepared to argue at trial that the force of the impact and the manner at which the bicycle landed after impact caused the light to turn off when the plaintiff was struck.

As a result of the impact, the plaintiff sustained a nondisplaced midshaft clavicle fracture and a Grade III open segmental fibula fracture with a 25 cm laceration on his calf. The plaintiff underwent several irrigations and debridements of his calf wound and ultimately received a skin graft. The plaintiff continues to have swelling and pain in his leg.

[14-T-002]

Type of action: Personal injury – auto/bicycle accident

Injuries alleged: Left nondisplaced midshaft clavicle fracture, Grade III open segmental fibula fracture, 25 cm laceration to calf

Court: Chesterfield County Circuit Court

Date resolved: Nov. 25, 2013

Verdict or settlement: Settlement

Amount: \$290,000

Attorney for plaintiff: Kelly B. Martin, Richmond