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VERDICTS & SETTLEMENTS

Motorcyclist hit after car made sudden lane change

\$3.75M Settlement

Plaintiff's decedent, a 30-year-old Navy Petty Officer First Class, was operating his 2004 Yamaha YZF-R6 motorcycle on the interstate in the far left HOV lane which had very light traffic. All other lanes of traffic were heavy. The defendant's employee, driving his corporation's truck, a 2008 Ford Econoline F-150, was in the middle left lane. He was on duty going between facilities. The defendant's employee made a reckless lane change to the left into the restricted HOV lane colliding with decedent's motorcycle knocking it and decedent onto the roadway, and then running over the motorcycle and the decedent. Plaintiff's decedent died at the scene.

The Virginia State Trooper in charge of the investigation testified at deposition that several witnesses reported that plaintiff's decedent was speeding and weaving in and out of traffic. The trooper could not produce the contact information for any of these witnesses.

The Virginia State Police Crash Team report indicated that when the 2008 Ford Econoline F-150 made a sudden lane change into the HOV lane, this ac-



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tion caused the 2004 Yamaha YZF-R6 to brake suddenly to avoid a collision and the rider laid the motorcycle onto the driver's side and began to slide onto the shoulder. The motorcycle struck the jersey wall causing the rider to disengage from the motorcycle. As the rider was sliding on the pavement, he was struck by the Ford Econoline F-150. "There is no evidence that supports the van striking the motorcycle prior to the rider falling."

Plaintiff's counsel's Virginia investigator discovered and identified four eyewitnesses. Three of these witnesses testified at depositions that they were following behind the defendant's corporate truck. They observed the truck suddenly swerve without signal, from its lane of traffic into the HOV lane and collide with the motorcycle knocking the plaintiff's decedent to the pavement, causing his body to cartwheel to a rest. Plaintiff's counsel's Georgia investigator identified

numerous family members, friends and crucial witnesses that were deposed and proved invaluable to the case.

At the scene of the accident, witnesses stopped in an effort to assist but plaintiff's decedent had sustained injuries to his skull, chest and arms which proved fatal.

Counsel for plaintiff retained numerous experts in anticipation of trial, including vocational experts to testify as to his loss of future earnings capacity. Counsel for plaintiff had also arranged for numerous family, friends and crucial witnesses of the decedent who live in Georgia to appear at trial and testify.

Plaintiff's decedent was planning to marry his fiancée two days after the accident which killed him. He was the father of a 6-month-old son and a 13-year-old daughter. He joined the Navy in order to serve his country and provide for his family. A qualified trust was established with court approval to administer the proceeds for the two minor beneficiaries.

Both liability and damages were highly contested.

[16-T-182]

Type of action: Wrongful Death

Injuries alleged: Wrongful Death

Tried before: Mediation

Name of judge or mediator: Hon. Thomas S. Shadrick (Ret.)

Date resolved: September 7, 2016

Verdict or settlement: Mediated Settlement

Amount: \$3,750,000.00

Attorneys for plaintiff: Bennett and Zydron, P.C., Virginia Beach, VA

Investigators: VA – Leslie Harlan/Harlan Investigation Group, LLC;
GA – Don Cheek/Parker Security & Investigative Services, Inc.