

Truck/sedan collision results in severe injuries

Sedan was demolished, driver severely injured

John Rivera (not his real name), in his early 20s, was the victim of a catastrophic collision caused by a truck driver who turned across John's right-of-way on a highway in Port St. Lucie, Florida. The head-on collision occurred in July 2020. The day was sunny, roads were dry, and traffic was moderate. John was driving a late model Mazda and he was wearing his seat belt.

As John drove westbound on Port St. Lucie Boulevard approaching the traffic signal at Morningside Boulevard, a large, heavy-duty Ford F-550 truck, traveling eastbound on Port St. Lucie Boulevard, was waiting at the light for traffic to pass before making a left turn. The truck driver and a co-worker were following another co-worker's vehicle on their way to work on a utility project.

John had the right-of-way to continue west through the green light and through the intersection. The driver of the truck, wanting to maintain connection with his co-worker's vehicle which had already turned left, attempted to make the left-hand turn across the intersection in front of John. The impact between the truck and John's car was catastrophic. A witness said it sounded like an explosion. The collision forced both vehicles into a spin, coming to rest facing in opposite directions. John was trapped inside his car, bleeding profusely from his wounds. He was transported by helicopter to a local emergency room where trauma surgeons performed operations to repair severe fractures to his right leg and ankle and his right clavicle. Both leg and clavicle operations required



giving him no time to react. The truck driver insisted that he had turned left on a green arrow and that John had been speeding through the intersection.

There were three eyewitnesses to the collision, all of whom faulted the truck driver for recklessly making a left turn in front of John's right-of-way vehicle. The truck driver and his employer maintained that John could have avoided the collision if he had not been speeding. Attempts to resolve John's claim with the truck driver's insurance company were unsuccessful, so a lawsuit was filed.

The Searcy Denney attorneys hired a forensic engineer to analyze the scene and numerous police investigation photos to reconstruct the collision. The painstaking analysis included reconciling the truck driver's testimony with the contradictions of the eyewitnesses. The investigation confirmed that John was traveling within the 45 mile-per-hour speed limit when the collision occurred.

As the case progressed towards trial, the judge ordered the parties into non-binding arbitration. Arbitration is an alternative form of dispute resolution where the parties pick a court certified arbitrator to consider evidence and render a verdict. Over the course of a day, the parties presented their evidence to the arbitrator. The arbitrator then gave the parties an opportunity to mediate before publishing a verdict. The parties were still not able to agree upon a resolution. The arbitrator published his decision in John's favor totaling \$2,017,167. In accordance with arbitration rules, either party had the right to reject the arbitrator's decision and demand a jury trial. The driver and his employer rejected the decision and asked for a jury trial. With continuing communications, the parties eventually reached an amicable resolution for \$2,000,000, avoiding a lengthy appeal and the uncertainty of a trial. ♦

Three eyewitnesses faulted the truck driver for recklessly turning across John's right-of-way. After an arbitration ruling was rejected, the parties reached settlement for 99% of the ruling.

metal plates and pins. He was also treated for numerous facial contusions. He would require ongoing physical therapy and suffer a decreased range of motion in his leg, ankle, and upper body. His car was demolished.

John contacted Searcy Denney attorneys **Mariano Garcia** and **Joe Johnson** for advice and assistance in finding accountability for the collision. The attorneys were assisted by paralegal Lazaro Becerra. John stated that he had a green light and that the truck had turned suddenly in front of him