



\$2.1 million settlement for truck/pedestrian collision

Commercial vehicle runs into pedestrian in crosswalk causing serious long-term injuries

In February 2020, Jane Smith (not her real name) finished her shift at a Palm Beach Gardens, Florida, restaurant and began walking home. This is Jane's last memory of that tragic day. Around 9:00 p.m., Jane was walking southbound on Military Trail crossing Johnson Dairy Road when a 7,600-pound commercial vehicle ran into her. The force of the impact propelled Jane onto the concrete pavement. Her body skidded 17 feet before coming to a stop next to the right shoulder of the road. The driver of the vehicle found Jane laying in a pool of blood. There was an open wound bleeding profusely on the back of her head.

Jane was taken via ambulance to the Emergency Department of St. Mary's Medical Center. She was treated for a non-depressed fracture to her skull with associated brain hemorrhages and lacerations and bruising to her face and body. Jane spent the following week at the hospital. She had no memory of the incident and did not recognize familiar faces; she was confused, asking repetitive questions. Given these symptoms, a team of neurologists and neuropsychologists were asked to assess Jane's condition. Their diagnosis was traumatic brain injury. Jane's physicians were concerned and guarded about the diagnosis and her prognosis for recovery.

Once it became clear that her injuries were likely to be long-term, she contacted Searcy Denney attorneys **Mariano Garcia** and **Juan Diaz**, assisted by paralegal Helem Ortiz, to ask for advice and representation.

The driver of the vehicle stated that both Jane and the City of Palm Beach Gardens were at fault for the crash. The intersection was poorly lit, obscuring the presence of pedestrians. This was a responsibility of the City. With respect to Jane, the driver stated that she was wearing headphones while crossing the highway, preventing her from hearing his

approaching vehicle. The driver claimed that Jane was not aware of her surroundings or even knew whether the road was safe to cross.

Through extensive discovery and depositions, the Searcy Denney team gathered information and facts that included a video of the accident, incident reports, driver training materials, and Florida Power & Light records. With these materials at hand, and with the aid of a professional engineer and a human factors expert, the Searcy Denney team was able to reconstruct the accident and successfully argue that Jane had committed to crossing the road well before the large commercial vehicle was within her visual or auditory field.

The driver had not come to a full stop before turning from Military Trail onto Johnson Dairy Road. Had he been paying attention to potential hazards in the road before him, he could have avoided the collision. Jane was fully visible to the driver for at least five seconds before impact. She had been walking within the pedestrian walkway and had the right of way at the moment she was struck from behind – there was nothing she could have done to avoid the crash.

After two years of hard-fought litigation, the team secured a settlement of \$2,100,000 for Jane. ♦

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