

Case Information

State GA

Contributing Attorney Joe Fried, Brian Mohs and Mike Werner

Settled Verdict

Resolution/Verdict Date 04/27/16

Resolution/Verdict Amount \$ 5,740,767

Mediation company

Mediator

Plaintiff Information

Gender/Race/Age Male / Caucasian / 37

Lost Wages \$ 0

Medical Specials \$ 1,280,027

Injuries **Catastrophic** () / (Injections : No)

Catastrophic Injuries (amputation, below knee amputation) /

()

Leg () / (Injections : No)

Prior Related Injuries No

Vehicle Type Motorcycle

Degree of Property Damage Totaled

Defendant Information

Defendant Government Entity

Defendant's citations none (No Citations Issued)

Liability Carrier(s)/Limits USPS (*none*)

UM Carrier(s)/Limits ()

Court Information

Court Court of Georgia Northern District:Gainesville

Judge O'Kelly

Inquiries/Attorney Notes

Plaintiff was driving a motorcycle with a passenger on a 55 mph 2-lane road. He approached a slow-moving mail delivery truck, believing it was slowing down to make a delivery and he went left of the double yellow line. At last minute, the postal vehicle made a left-hand turn into a driveway striking my client; as our client was passing, he attempted to push off the mail truck and hooked his foot in the bumper. While his passenger was thrown free, he was airlifted and spent 13 days in a coma. His leg was badly damaged and ultimately he had a below the knee amputation.

The main issue was that he passed on a double yellow line, assuming that the postal truck was slowing on the right to deliver mail to boxes on the right. He did not anticipate that the postal truck would make a left turn. No one was cited in the incident, although the State Trooper thought our client was at-fault. A key issue at trial was whether the mail carrier had engaged her left hand turn signal before turning; she stated she did and neither our client nor his passenger could recall. We provided photos from the scene showing her warning flashers were still on, as is typical during mail delivery. Since the flashers would need to be disengaged to activate a left turn signal, the judge ruled that there was no evidence that the left turn signal had ever been made.

The judge made his award determination based on the fact that our client will need future surgeries to his leg, awarding him \$2,460,740 for those estimated expenses. He also granted \$2 million in general damages and future pain and suffering and \$1,280,027 in past medical expenses, for a total of \$5,740,767.

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