

FLORIDA

MOTORCYCLE OPERATOR & PASSENGER V. VEHICLE DRIVER \$13+ MILLION JURY DEMAND



LUKS, SANTANIELLO
PETRILLO, COHEN & PETERFRIEND
— OUR VERDICTS TELL THE STORY —

The Florida Law Firm Members, Managing Partner Daniel Santaniello, Esq. and Senior Partner Luis Menendez-Aponte, Esq. defended an accident that occurred on the Florida Turnpike. Plaintiffs jointly asked for over \$13 Million. The \$1M policy limits had been tendered and rejected well in advance of trial. The jury apportioned liability 50% to the Plaintiff(s), 10% to the fabric driver, and 40% to the Defendant Abby Tingjing Lu / Hertz resulting in a net verdict of \$590,751.



DAN SANTANIELLO

888.372.8711
djs@insurancedefense.net



LUIS MENENDEZ-APONTE

305.377.8900
LMenendez-aponte@insurancedefense.net

The 2-week jury trial was heard in Miami-Dade County. The defendant was a Chinese resident living in New York City and was visiting Florida. She rented a vehicle from Hertz, and she was driving on the Florida Turnpike when the accident happened. Plaintiff-Driver was a Cuban-American and Miami resident, and Plaintiff-Passenger was a registered trauma nurse. The jury of 6 was comprised of 5 Cuban Americans and 1 African American.

The Defendant encountered debris on the turnpike and attempted to avoid it by swerving the rental car. 9 witnesses testified regarding the accident. There was a dispute over the existence and extent of the debris, and a dispute over the actions of the Defendant. The Plaintiffs alleged the Defendant failed to avoid the debris like other cars that had successfully maneuvered around it. They suggested she was looking at her phone navigation, and they claimed the Event Data Recorder supported that she moved into the shoulder and then abruptly moved back into the travel lane at only 5.6 mph, striking the motorcycle. They called expert engineer Ralph Aronberg, P.E. who testified the defendant was totally at fault for the accident. The Defense disputed liability. They called motorcycle expert and engineer Alan Moore who testified that the plaintiff was following too closely. The Court did not allow the defense to present evidence that the plaintiff did not have a motorcycle endorsement.

The injuries to both plaintiffs, who were in their late-20s at the time of the accident, were significant. The Operator was catapulted at 65 mph into the median. He sustained significant, lower-right extremity injuries involving degloving injuries, a shattered femur, and a shattered ankle. He required 4 surgeries to save his leg. He can no longer walk without pain and a severe limp. His special damages totaled \$906,214 because he did not have health insurance. The motorcycle passenger, the operator's girlfriend-now wife, was catapulted onto the left lane, where she sustained a fractured femur and required emergency surgery to align and fixate it. She continues to suffer from pain and limitations due to the leg injury. Her medical bills were \$100,003.

The Plaintiffs asked the jury for over \$13 Million. The motorcycle operator asked the jury for \$9.9 Million in pain and suffering, and the passenger asked the jury for \$3.1 in pain and suffering. More than 20 witnesses were called, including 8 plaintiff medical experts. The defense employed two key strategies to deal with the sympathy and prejudice associated with a trial in Miami, Florida involving a Cuban-American Plaintiff versus a Chinese resident of New York, and a reasonable pain and suffering award in light of the facts. These strategies were employed in jury selection and closing arguments, and helped deliver a verdict wherein the jury gave less than the defense even suggested for non-economic damages.