

DAILY BUSINESS REVIEW

VERDICTS & SETTLEMENTS

\$4.9 million settlement reached for 19-year-old bicyclist hit by truck

Case: Florence Tiger v. Advance Trucking
Case no: 09-079080
Description: Auto negligence
Filing date: Oct. 22, 2009
Settlement date: March 31, 2011
Settlement amount: \$4.9 million
Judge: Miami-Dade Circuit Judge Peter R. Lopez
Plaintiff attorneys: Joseph Slama, Krupnick Campbell Malone Buser Slama Hancock Liberman & McKee, Fort Lauderdale; Frank Toral, Toral Garcia Battista, Fort Lauderdale
Defense attorney: C. Richard Fulmer Jr., Fulmer Leroy Albee Baumann & Glass, Fort Lauderdale
Details: Advance Trucking employee Ronald Guimond was driving a tractor trailer northbound on U.S. 1 into a well-lighted intersection in Perrine. Robert Phillip Tiger, then 19, rode his bicycle into the intersection from Southwest 184th Street and into the truck's path at 3:19 a.m.
 The truck struck Tiger, causing traumatic brain injury. He was taken to Jackson Memorial Hospital and admitted as a John Doe.
Plaintiff case: The truck was equipped with air brakes, which require a short delay in activation. Tiger's mother, Florence, contended Guimond could have and should have applied the brakes earlier and

avoided striking Tiger. Bryant Buchner, an engineer with Quest Engineering reconstructed the accident as an expert witness. Lawrence Forman of Comprehensive Rehabilitation Consultants prepared a life-care plan for medical and attendant care. Fred Raffa, a forensic economist, provided an economic loss evaluation.
Defense case: The traffic investigation showed Guimond had the green light and the right of way, and he was traveling at about 45 mph, which was within the speed limit, said defense attorney C. Richard Fulmer Jr.
 Tiger was seen by a security guard stopped at the intersection before pedalling forward.
 With regard to economic loss, defense noted Tiger's mother reported he had been missing from home 36 hours before the collision. He had a history of behavioral and developmental problems as well as substance abuse issues. He was not employed or enrolled in school. The defense maintained these factors should have limited forecasts of his future earnings.
Outcome: Trial was set for March 7. The parties reached a settlement two weeks before and obtained court approval of a \$4.9 million agreement March 31.



MELANIE BELL

Attorneys Frank Toral and Joseph Slama said factors, including their client's missing person status, complicated the case of a 19-year-old bicyclist who survived after being struck by a tractor trailer. A \$4.9 million agreement was reached by both parties two weeks before trial.

Quote: "This was an extremely challenging case, given the nature and time of the collision, Robert's missing person status and the operation of the tractor trailer with the green light and within the speed limit," Slama said. "We commend Advance Trucking, its representatives and attorneys in working with us to resolve this difficult case."

Post-settlement: The funds were put in a special needs trust and structured settlement plans to protect and maximize the funds for the care and supervision of Tiger. He lives in a NeuroRestorative residential treatment center. His mother, a widow, devotes her time between her job and his care. Robert can perform basic tasks of daily living but will need lifelong supervision.

— Adolfo Pesquera