

SOUTH CAROLINA Lawyers Weekly

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Family of bicyclist killed after car strike settles for 7.9M

■ **Havinland Stewart**

THE FAMILY of a cyclist who was hit and killed by a pickup truck on his morning ride before work reached a settlement of \$7.9 million.

The pickup truck driver was driving on behalf of his company and the vehicle had a commercial insurance policy. Both the driver and their company were named as defendants.



Scott C. Evans



James B. Moore

According to the accident report, the driver of the pickup truck was cited to be at fault and was driving too fast for conditions. The plaintiff alleged that he was distracted as he should have been able to see the cyclist who had front and rear lights.

The deceased was a 50-year-old U.S. Navy veteran and mar-

ried father of three children. Following his retirement from the U.S. Navy, which included a tour during Operation Iraq Freedom, the deceased obtained his bachelor's and master's degrees in environmental studies. He was employed as an environmental coordinator at the time of his death.

The defense argued that the deceased "assumed the risk" because he was riding his bicycle on a busy highway at dark with a posted speed limit of 55 mph. Additionally, the defense argued that the plaintiff was killed at impact and therefore there would be no pain and suffering, which would limit his damages under the survival cause of action.

According to an economic loss report republished by Oliver Wood, the present value of the financial loss associated with the death was valued at \$1,342,848. Combing the area of the collision for the presence of video cameras lead to the discovery of home surveillance

TYPE OF CASE: Wrongful death and survival claims against the driver of a vehicle and his employer.

SETTLEMENT AMOUNT: \$7,900,000.00

PLAINTIFF'S COUNSEL: Scott C. Evans and James B. Moore III of Evans Moore, LLC

DEFENSE COUNSEL: Withheld
INSURANCE CARRIER: Withheld

VENUE: Withheld

MEDIATOR: Tom Wills

MOST HELPFUL EXPERTS: Andrew O. Wood, J.D. (Economic Loss), Bill Williams of WISAT (Scene Recreation), and Kim Collins, MD (Pain and Suffering)

WERE LIABILITY AND DAMAGES

CONTESTED: Yes

camera footage which allowed for the completion of detailed sight-line studies and speed calculations which assisted the parties in resolving this matter without protracted litigation.

Many details of this case have been withheld due to a confidentiality agreement.