

Watch Out For Motorcycles!

Persistence, Accountability & Justice

A biker was in a Wal-Mart parking lot, traveling down one of the lanes when a driver coming towards him, suddenly turned left, causing a serious injury, requiring emergency surgery and at least \$70,000 in medical bills. The Zephyrhills Police Department investigated the crash, listed a witness and issued a citation to the cage driver. A short time later, the biker contacted my office to help him with his injury claim. He also mentioned the cage driver, driving a Corvette, was more concerned about the damage to his car than the biker.

In the days following, the Corvette driver gave notice of contesting the citation, entering a Not Guilty Plea. Likewise, his insurance carrier, Progressive, advised further investigation was needed, as he repeatedly denied fault for the accident. Thus, this collision turned into one driver's word against the other; and, further investigation was needed.

We contacted the witness listed on the crash report learning he had absolutely no recollection of the accident whatsoever. The witness had some medical issues, he had just been released from the hospital, he was under medication at the time; and, he just couldn't be of any help. So again, we have a parking lot accident, each driver blaming the other, now with no independent witness. We also looked at the property damage photographs of the bike, they didn't help much and we did not have any accident scene photographs noting marks in the road surface; and again, it seemed the only evidence in this case was the testimony of each driver, a battle of witness credibility.

Next, we contacted Wal-Mart to ask if their outside security cameras contained any video footage of the parking lot accident. The first person we spoke with said the

cameras were only positioned to record the "entrance" area at the front of store. Nonetheless, we asked for copy for the date and time of all video footage they had on file, only to receive a CD or DVD disc, unreadable by at least four computers; and, a "Second Request" in writing didn't receive a response. Eventually, a "Third Request" produced the video footage; and, IT SHOWED THE ENTIRE CRASH - like a "bird's eye" view. Yes, the crash played right before our eyes. It was one of those experiences where you play it once, twice and three times, each time there was a "Wow" factor; and there was absolutely no doubt the Corvette driver caused the accident. The biker simply had no chance or warning to avoid the crash, it appeared as if the Corvette suddenly turn, without warning, almost like he was aiming for the biker.

In court, the cage driver maintained his "Not Guilty" plea. Afterwards, the cage driver quickly realized we had true video footage of the crash itself; and, he suddenly changed his plea to "No Contest". Afterwards, the biker told the judge he wanted "accountability", a good judge presided and ... Justice Was Served!

Information courtesy of:
Bradley D. Souders, P.A.
Attorney & Counselor At Law
115 S Fielding Avenue
Tampa, FL 33606
813-254-5155 Office
813-220-7767 Cell
brad@hoglaw1.com
www.HOG-LAW.com