

# Bicyclist struck by box truck is left with brain injury

## \$3.5 million settlement

A bicyclist suffered a traumatic brain injury when he was struck in the afternoon by a commercial box truck.

The cyclist, 35, was wearing a helmet and riding his bicycle in the designated and marked bike lane at the time of collision. The truck driver failed to yield the right of way to the cyclist when the driver made a left turn at an intersection.

The injured bicyclist had numerous injuries and underwent emergency surgery, including a craniotomy, followed by months of rehab. He returned to work full time six months after the accident and did not have a claim for lost wages. He also returned to active duty in the Navy Reserves.

His treating neuropsychologist and neurologist provided expert opinions that his ongoing cognitive impairment, which



included difficulty multi-tasking, diminished his work capabilities and earning capacity. That claim was substantiated by a co-worker.

During discovery, plaintiff's counsel discovered that the truck driver had received numerous warnings, citations and performance evaluations arising from poor attention on the road.

The truck driver also suffered from untreated ADHD, which his employer was not aware of prior to the accident. As a result, plaintiff's counsel added a separate claim for negligent hiring and retention against the trucking company, and obtained a truck safety expert to substantiate the claims.

The case settled at mediation at the close of discovery.

**Action:** Motor vehicle negligence, negligence & tort

**Injuries alleged:** Traumatic brain injury

**Case name:** Withheld

**Court/case no.:** Withheld

**Jury and/or judge:** N/A (mediated)

**Amount:** \$3.5 million

**Date:** Dec. 22, 2015

**Attorneys:** Jeffery N. Catalano and Eric Asquith of Todd & Weld, Boston (for the plaintiff)



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