

**\$50,000 Coverage Yields
\$10.5 Million Settlements**



TRIAL LAWYERS



The Leesfield Leighton & Partners Legal Team

left to right: Thomas Scolaro, Alexander J. Perkins, John Elliott Leighton, Ira H. Leesfield, Patricia M. Kennedy, Mark A. Sylvester.

**Construction Site Liability -
The Road To Winning...**

**How to Turn \$50,000
of Coverage into a
\$10.5 Million Result!**

Frequently, the "non-obvious" defendant at the motor vehicle collision scene is the road contractor, highway designer or other roadside entity involved in the construction, inspection, paving, signing engineering or safety supervision of a new road or highway under reconstruction.

Recently, our firm concluded a motor vehicle case turning \$50,000 coverage into a **\$10,500,000** settlement. The defendant vehicle went out of control on a Florida interstate, crossing four lanes and colliding with our client's vehicle, causing death and injuries. Our firm's in-depth investigation and thinking "out of the box" found numerous violations on behalf of the road contractor who allowed the highway and shoulder to remain uneven, contributing to this tragedy. Although the defendant driver purchased only \$50,000 coverage, the total settlement was **\$10,500,000** when the road construction defendant, underinsured and bad faith claims were litigated.

**Truck/Bike Collision
Yields \$5,350,000
Settlement**

On April 20, 2008, our bicycling client was off the road on the shoulder of the Overseas Highway when she was struck by a vehicle which was out of control while the driver was adjusting the GPS system. Having sustained multiple life threatening injuries, a recent settlement (October 2008) was reached in the amount of **\$5,350,000**. For further details, see Motor Vehicle/ Bike or Recreational Vehicle Injuries on our website at www.Leesfield.com, or contact us through our **Hotline at 800-836-6400 or Leesfield@Leesfield.com**

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PRACTICE AREAS:

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- Resort Torts
- Defective Products
- Medical Malpractice
- Nursing Home
Litigation
- Federal Torts
Claims Act



Construction Site Liability Litigation

Plaintiff Strikes Rear Of Road Construction Equipment Resulting In A \$5,000,000 Recovery.

Our client, Richard Perez, was driving in a construction zone in South Miami-Dade County, Florida. The configuration, markings and channeling of the road caused him to collide with the rear end of the defendant's heavy construction equipment, which was improperly on the road in violation of the Department of Transportation standards. (Please see box "Rules of the Road.") Through creative litigation, our firm obtained a **\$5,000,000** result for this family whose breadwinner suffered frontal brain damage when confused by the road construction defects.

ATV Rollover Results In \$4,500,000 Settlement In Central Florida

Our minor client, a passenger on an ATV, was tragically killed when an unsupervised and underage driver, seeking to avoid livestock in the field, rolled her ATV. Neither driver nor passenger were wearing a helmet, and our client died of massive head injuries. An entire listing of recoveries in resort torts and recreational vehicles is available online at www.Leesfield.com. For more information, please contact us through our **Hotline 800/836-6400 or Leesfield@Leesfield.com**.

Severe Injuries to Pedestrian Struck By Obstructed-Distracted Cell Phone User Results In \$1,500,000 Settlement

In October 2008, our client received a **\$1,500,000** settlement from a defendant driver who was distracted by a cellular phone and an obstructed sign. He was struck as he walked on the sidewalk in front of defendant's car. A cellular phone account of the defendant driver showed use at the exact time of the impact. For detailed information, law and research on cell phone use while driving, please to go to our web page to view article written by Ira H. Leesfield, *Driving While on the Cell Phone: Punitive Damage Awards Should Come Through Loud and Clear*.

MORE ON NEXT PAGE →

For More "Rules of the Road",
e-mail Leesfield@Leesfield.com

References/Publications

- **The Manual on Uniform Traffic Control Devices**
published by Federal Highway Administration
- **AASHTO's A Policy on Geometric Design of Highways and Streets**
- **FHWA's Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects**
- **FDOT's Standard Specifications for Road and Bridge Construction**
- **FDOT Design Standards for Design, Construction, Maintenance and Utility Operations On The State Highway System**

Website Links

- **Federal Highway Administration**
<http://www.fhwa.dot.gov/>
- **Florida Department Of Transportation**
<http://www.dot.state.fl.us/>
- **Florida Department of Highway Safety and Motor Vehicles**
<http://www.hsmv.state.fl.us/>
- **Advocates for Highway and Auto Safety**
<http://www.saferoads.org/>
- **AAA Foundation for Traffic Safety**
<http://www.aaafoundation.org/home/>
- **American Association of State Highway and Transportation Officials**
<http://www.transportation.org/>
- **The National Work Zone Safety Information Clearinghouse**
<http://www.workzonesafety.org/>
- **National Traffic Highway Safety Administration**
<http://www.nhtsa.dot.gov/>
- **Bureau of Transportation Statistics**
<http://www.bts.gov/>

Family Of Local Lawyer Awarded \$830,000 Struck And Killed In A Confusing Construction Zone.

The confusing, irregular and deceptive design of the layout and traffic control in this heavily traveled Miami Beach street caused a bus to strike this very prominent member of the Florida Bar, resulting in his death. Our firm's efforts established numerous violations of road and sign construction principles and a complete failure to control the flow of pedestrian traffic to protect our client's safety. We also "broke the cap" of sovereign immunity alleged by the city bus company, and obtained a substantial contribution from the road construction defendant.

Leesfield Leighton & Partners' Rapid Response To Highway Construction/Road Defect Litigation

In the cases reported herein, a rapid response was necessary for our team of investigators and experts, as well as, our firm's road construction litigation division, to

take vital witness statements, and obtain documentary, video and photographic evidence. The importance of acting quickly and decisively cannot be overstated. For further information on these cases, please go to our website at **www.Leesfield.com** or **contact us through our Hotline 800/836-6400 or Leesfield@Leesfield.com**

Remember, Leesfield Leighton & Partners maintains offices at strategic locations throughout the State of Florida and can be with you and your clients promptly and ready to act.

Contact Leesfield Leighton & Partners to discuss your case.

Co-counseling fees consistent with Florida Bar rules.

TOLLFREE NATIONWIDE:

800/836-6400

OFFICE DIRECT:

305/854-4900

E-MAIL:

Leesfield@Leesfield.com

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Attorneys

Ira H. Leesfield
John Elliott Leighton
Patricia M. Kennedy
Mark A. Sylvester
Thomas Scolaro
Alexander J. Perkins

Miami Office:

2350 S. Dixie Highway
Miami, Florida 33133
305-854-4900
800-836-6400
Fax: 305-854-8266

South Beach Office

1111 Lincoln Road
Miami Beach, FL 33139
305-854-4900
800-836-6400
Fax: 305-854-8266

Key West Office:

615-1/2 Whitehead St.
Key West, Florida
33040
800-836-6400
Fax: 305-854-8266

www.Leesfield.com