

RHODE ISLAND Lawyers Weekly

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Verdicts & Settlements

Cyclist collides with SUV, demands \$13M during closing **\$383,339 VERDICT**

A bicyclist and a motorist were involved in a collision at an intersection.

On July 7, 2021, the plaintiff, a successful, self-employed, 60-year-old Team USA triathlete, was training for an upcoming triathlon and riding a \$5,500 time-trial bicycle northbound on Route 54 in Essex, Connecticut, within the fog line.



Peter E. Garvey

The defendant was operating his SUV westbound on South Cove Lane, intending to turn left and head south onto Route 54. Upon reaching the intersection, he came to a

complete stop behind the white stop line. There were no stop signs or other traffic devices present.

The defendant's view of oncoming traffic in the northbound lane of Route 54 was obstructed by shrubbery. The defendant inched out past the white stop line to gain a better view of northbound traffic, looking to his left at least twice before the plaintiff collided with the driver's side of his SUV, causing serious orthopedic injuries to the cyclist's right ankle and

lower back. The cyclist shattered the defendant's windshield with his body.

Claims of negligence and common law and statutory recklessness on the defendant's part ensued, though the latter claims were voluntarily withdrawn at the close of evidence.

The defendant raised special defenses of comparative negligence against the plaintiff because of his excessive speed under the conditions and his failure to observe while in an aerodynamic/tuck position.

The plaintiff sought economic and noneconomic damages in the form of past and future pain and suffering, past lost earnings, permanency, scarring and medical bills. The defense did not challenge the cause of the resulting surgery to the plaintiff's right ankle, but the lumbar injuries were challenged.

Both parties presented their own experts, including accident reconstructionists and orthopedic physicians, to testify to liability and medical causation issues. The plaintiff also presented an expert concerning the training received by the plaintiff to become a competitive bicyclist.

At closing argument in the two-week trial, the plaintiff demanded

approximately \$13 million in damages; the defendant sought a defense verdict.

The jury found the defendant 60 percent negligent and the plaintiff 40 percent comparatively negligent. It awarded the plaintiff a net amount of \$383,339.

The plaintiff has since filed a motion to set aside the verdict and requested a new trial. A hearing is pending, along with the defendant's objection to the motion.

One month before the trial, the defendant had made a formal offer of compromise for \$500,001. The plaintiff had made a pretrial demand of \$2.5 million.

Action: Motor vehicle negligence

Injuries alleged: Leg, knee, ankle, foot and lower back injuries

Case name: Diebot v. Neilson

Court/case no.: Connecticut Superior Court/No. KNL-CV22-6058782-5

Jury and/or judge: Jury/
Judge Cecil Thomas

Demand: \$2.5 million, pre-trial; \$13 million, during closing

Highest offer: \$500,001

Amount: \$383,339 Date: Jan. 29, 2025

Attorney: Peter E. Garvey of Higgins, Cavanagh & Cooney, Providence (for the defendant)