

PEDESTRIAN MOTORCYCLE ACCIDENT

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Florida Statute 316.130(8)

care

DELLECKER WILSON KING MCKENNA & RUFFIER, LLP



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## MOTORCYCLE ACCIDENT

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719 Vassar Street Orlando, Florida 32804

[407] 244.3000 [www.dwklaw.com](http://www.dwklaw.com)

Drivers and pedestrians both are responsible for traffic safety. While it is commonly accepted that “pedestrians always have the right of way,” this generalization is not always correct. In fact, DWKM&R challenged this common assumption in a recent tragic case.

An elderly woman was hit and killed by a motorcyclist as she attempted to cross a two lane roadway. The investigating authorities initially deemed our client, the driver of the motorcycle, at fault, as he struck the woman in the middle of the road. However, DWKM&R’s in-depth investigation regarding the actual crash scenario revealed that the pedestrian was at fault for the accident. Florida law prohibits pedestrians from suddenly leaving the side of a roadway and entering traffic. If the pedestrian’s actions make an accident unavoidable for oncoming traffic, the pedestrian is at fault. In this case, our client had no time to see, much less avoid, the elderly woman in the roadway.

Sam King and Bob Dellecker represented their client, who suffered a severe head injury, in a lawsuit against the pedestrian’s estate and secured a settlement for \$1,600,000 on his behalf.



**SAMUEL P. KING**

- “AV” Rated by Martindale Hubbell
- Board Certified Civil Trial Lawyer
- Recognized among Florida’s Legal Elite by *Florida Trend*
- Recognized among Florida Super Lawyers by *Law & Politics*
- President, American Board of Trial Advocates, Central Florida Chapter



**ROBERT H. DELLECKER**

- “AV” Rated by Martindale Hubbell
- Recognized among Florida’s Legal Elite by *Florida Trend*
- Recognized among Florida Super Lawyers by *Law & Politics*
- Chairman, March of Dimes, Central Florida Division (2009)

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