

FGMC Secures \$7.5 Million Judgment in Personal Injury Case

On July 21, 2013, a single father of two suffered severe, life-changing personal injuries, damages and losses when the driver of a Lincoln Navigator failed to yield the right of way. The driver made a left turn directly in front of the young man's approaching motorcycle, which was lawfully proceeding through the intersection on a green traffic light. Following the collision, the motorcyclist retained **David S. Canter**, a partner in the law firm of Foster Graham Milstein & Calisher LLP (FGMC), to represent him in connection with his claims against both the at-fault driver of the Lincoln Navigator, and the owner of the Lincoln who permitted the at-fault driver to drive the Lincoln. Following the collision, the at-fault driver was charged with, *and pled guilty to*, careless driving resulting in bodily injury, in violation of C.R.S. § 42-4-1402(1), (2)(b). (At the client's request, Mr. Canter appeared at the at-fault driver's sentencing hearing and spoke on the client's behalf.)

FGMC filed a civil action against both the at-fault driver and the owner of the vehicle. After conducting written discovery, FGMC filed a Motion for Summary Judgment on the client's behalf arguing that there were no genuine issues of material fact and, as a matter of law, the motorcyclist was entitled to a judgment in his favor and against both the at-fault driver (negligence and negligence *per se*) and the Lincoln's owner (negligent entrustment). On September 29, 2014, the Court agreed with FGMC and issued its Order *granting* the client's Motion for Summary Judgment finding that both the at-fault driver and the owner of the Lincoln were legally liable to FGMC's client for the client's collision-related injuries, damages and losses. Thereafter, the Court set the civil case for a 1-day trial on the issue of FGMC's client's damages.

On Tuesday, December 16, 2014, Mr. Canter appeared in in the District Court, Jefferson County, before the Honorable Lily Oeffler, judge presiding. After considering the evidence, including FGMC's client's emotional testimony, graphic photographs of FGMC's client's injuries, voluminous medical records and bills, and after hearing argument by counsel, the Court found FGMC's client's injuries, damages and losses were "extraordinary and profound" and issued the following Order of Judgment in favor of the motorcyclist and *against* both the driver and the owner of the Lincoln Navigator:

1. Physical and mental pain and suffering: \$936,030 (statutory cap based under "clear and convincing" standard);
2. Loss of earnings/loss of earning capacity: \$350,000;
3. Reasonable and necessary medical, hospital or other expenses: \$2,300,000;
4. Physical impairment and disfigurement: \$3,900,000.

Total Judgment: \$7,486,030.

While our hearts go out to our client who will endure significant emotional and physical pain for the rest of his life, FGMC takes great pride in knowing we zealously represented our client's interests, our client had his day in court, and most importantly, our client's voice was heard.