

Silagy v. Whitaker

Joseph Silagy was riding his motorcycle in the right lane on eastbound State Route 52 when the defendant, Ms. Whitaker, initiated a lane change in front of him. Mr. Silagy testified that he looked down and saw her bumper inches away from his front tire and thought he was going to die. That was all he remembered. Initially, he felt she clipped his tire, causing his motorcycle to go down. However, there was no evidence the vehicles made contact.

Defendant did not dispute liability until the parties were well into litigation and it was confirmed there were no witnesses. Thereafter, Ms. Whitaker changed her position and put liability in full dispute. She testified that she used her blinker and initiated a safe lane change, and then immediately corrected and went back into her lane when she saw Mr. Silagy approaching really fast. Defense argued that Mr. Silagy must have overreacted and unnecessarily put his motorcycle down. It also turned out this was Mr. Silagy's first motorcycle and he had just purchased it weeks prior to the incident. He only had a permit, not a license, which meant he wasn't allowed to drive on the freeway to begin with.

Going into trial nearly everything was in dispute. Defendant argued Mr. Silagy was not allowed on the freeway and that his motorcycle went down because of his inexperience. Mr. Silagy argued that Ms. Whitaker was in a hurry and about to miss her exit, never used a blinker, never saw him and initiated an unsafe lane change. Defendant admitted zero fault at trial, and Plaintiff accepted responsibility for being on the freeway without a license.

Defendant also disputed all of his injuries and treatment. Plaintiff suffered shoulder pain following the accident, and was eventually diagnosed with a small tear that would necessitate surgical intervention. The defense focused heavily on several significant gaps in treatment, the fact he was at the gym 4-5 days a week lifting heavy weights, and he still had not had surgery at the time of trial, over 3 years following the accident.

All focus groups indicated the strong likelihood of a defense verdict. At trial, Plaintiff took full responsibility, asked for significant contributory negligence, kept his demand very reasonable in a range of \$150,000-\$200,000, and put his trial on in 1 day. The Defendant took zero responsibility and asked for a defense verdict, or a verdict of \$5,000-\$8,000. The jury returned a verdict of \$148,242 holding Defendant 51% at fault. This allowed Mr. Silagy to recover additional costs for beating his 998.