

Slightly Excessive Speed Not Negligence

Ronald Zurek (Senior Partner/Los Angeles Office) successfully defended a car driver who struck and catastrophically injured a young man on a bicycle in *Barcenas v Eisman*. The bicyclist moved out into traffic lanes when he was allegedly cut off by another driver, and the defendant car ultimately struck him after braking and skidding without success. The claim was that the driver did not react as quickly as she should have, and skid marks left by her tires unequivocally demonstrated a speed in excess of the posted speed limit. Disputing percipient witness testimony and arguing that slightly excessive speed was not negligence, and further that such speed was ultimately not a cause of the accident or injuries either, Ron successfully persuaded the jury to side with his defendant client. No settlement offer was ever made on this case, even when a co-defendant settled with the plaintiff half way through trial.