

\$6.6M South Florida Settlement: Meet Plaintiffs Counsel

by Lisa Willis

After more than four-and-a-half years and no offers of settlement, a team of South Florida litigators is pleased with the final outcome of a multimillion-dollar win for their badly injured client and his wife.

With a jury trial date looming, the case was dismissed as the parties reached a settlement agreement of all claims involving a traffic accident in the Florida Keys.

Total payout: \$6.6 million.

According to the complaint, in July 2018, plaintiff Luis Diaz, an armored truck employee, was in a Garda armored truck on deliveries heading to Key West, when the truck made a U-turn and collided with an 18-wheeler traveling on A1A in Marathon. Diaz sustained life-altering head and body trauma, the complaint said.

Diaz and his wife sued Bulk Express Transport Inc., Eduardo Emilio Torrecilla Fortanett and Luis Lazo Ramos in Miami-Dade Circuit Court. At the time of the crash, Torrecilla was on duty for Bulk Express, which owned the trailer.



Plaintiffs counsel Christopher Drury said that a key takeaway for lawyers is to search for coverage details “that might apply to someone who otherwise would be uncollectible.”

A key takeaway for lawyers: Search for coverage details “that might apply to someone who otherwise would be uncollectible,” said plaintiff counsel Christopher Drury.

“We looked carefully at the insurance policy and lo and behold, there was an endorsement placed on that policy ...

SEE SETTLEMENT, PAGE A2

FROM PAGE A1

SETTLEMENT

roughly 19 days or so before the crash occurred, and that endorsement, removed the co-employee exclusion,” Drury said. “That allowed us to sue (the Armored car driver) for negligence and gross negligence ... a much lower standard than virtual certainty and an intentional tort.”

The Drury Firm teamed with attorney Ben Lucas of BLucas Law in Coral Gables, and moved to hire experts and to preserve evidence.

“We made sure that we sent out detailed preservation letters right away to everybody we can think of—the businesses in that area—to try to get any sort of video footage of the actual impact, as

well as any images of the vehicles leading towards the the actual crash,” Drury said.

In addition to using the tractor trailer’s dashcam video to document their story, Drury said their investigators found “12 significant mechanical defects” in the 80,000-pound 18-wheeler.

HUNDREDS OF THOUSANDS SPENT

Drury said the plaintiff’s team spent hundreds of thousands of dollars in the last four years, but that’s “what you have to do to get good results” in these heavy-trucking cases, and COVID-related delays didn’t help expedite the case.

Another hurdle: The defense contested liability.

“Once the courts reopened we really put the pedal to the metal in terms of getting to trial and pushing the case and vigorously litigating it, and that’s

really the only way that you ever get really significant settlements in cases—settlements that might not be thought possible,” he said. “Push towards trial deliberately, but as quickly as you can, while at the same time making sure that you’ve got everything you need and all your ducks in a row.”

In the end, the payout was as follows: The underinsured-motorist carrier for armored truck company Garda CL Southeast Inc., which was not a defendant, tendered its \$100,000 coverage limit on March 19, 2021. The settlement with Bulk Express Transport Inc. and tractor trailer driver Torrecilla amounted to \$4.2 million on Oct. 3, 2022. A third settlement with armored car driver Ramos was for \$2.3 million, executed Nov. 9, 2022.

After settlement there was still the matter of a medical lien on Drury’s and

Lucas’ client for medical expense payouts.

The worker’s compensation insurer filed its notice of acceptance of the reduced amount of \$300,000 on Dec. 12.

“In other words, after obtaining gross recoveries in excess of all the liability insurance available to cover the loss, we obtained a lien reduction of \$1,380,577.73—a reduction of the worker’s compensation lien by over 82%,” Drury said.

In giving accolades to the team he was up against Drury said, “I couldn’t say enough good things about those defense lawyers. They’re very well prepared. They did everything that they had to do. They hired very qualified experts as well. And they gave us a really good fight.”

Lisa Willis reports for the Daily Business Review. Contact her at lwillis@alm.com.