

## Verdicts & Settlements

### Motorcyclist seeks first-, third-party benefits

Plaintiff suffers lower leg fractures that led to three surgeries; case is settled

**\$245,000**



DAVID C. FEMMININEO

Plaintiff Leonard Braund was driving his motorcycle on a two-lane road in northern Macomb County. He noticed that the semi truck that was two vehicles ahead of him partially hit a garbage can, sending the can up into the air. The car in front of the plaintiff then panicked, drove off of the road, and struck the can, which had landed. It was argued that, had the car maintained its position, the can would have fallen harmlessly to the side.

The force of the impact between the car and the can caused the can to be redirected

and fall directly in front of the plaintiff, causing him to crash the motorcycle. He suffered comminuted lower leg fractures that resulted in three surgeries.

Plaintiff maintained a \$100,000 uninsured motorist coverage on his motorcycle, and asserted that the handling attorney knew that the "involvement" of a motor vehicle was enough to trigger first-party no-fault benefits from the Michigan Assigned Claims Facility.

Both the first- and third-party cases settled for \$95,000 and \$150,000, respectively.

**Types of actions:** First- and third-party motorcycle accident

**Type of injuries:** Comminuted lower leg fractures resulting in three surgeries

**Names of cases:** *Braund v. Farmers Insurance Exchange*, *Braund v. Progressive*

**Court/Case nos./Date:** Macomb County Circuit Court; 11-2793-NI, 12-541-NF; Feb. 26, 2013

**Name of judge:** Mathew Switalski

**Settlement amounts:** \$95,000 uninsured motorists benefits (Progressive), \$150,000 PIP assigned claim (Farmers)

**Most helpful expert:** Dr. Jeffrey E. Balazy, orthopedic surgery, Mount Clemens

**Insurance carriers:** Progressive, Farmers

**Attorney for plaintiff:** David C. Femminineo

**Attorney(s) for defendant:** Withheld