

SOUTH CAROLINA Lawyers Weekly

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VERDICTS & SETTLEMENTS

Pedestrian struck by vehicle settles for \$10M

■ Heath Hamacher

A WOMAN who suffered a traumatic brain injury after being struck by a truck as she was walking has settled her claims for \$10 million, her attorneys report.



David Yarborough



Shelly Leeke

David Yarborough of Yarborough Applegate in Charleston reports that in October 2018, his client, a 33-year-old Wisconsin woman visiting South Carolina, was walking in a crosswalk when the defendant ran a stop sign and hit her, knocking her to the ground.

As a result of her injuries, the woman developed headaches, vision problems, depression, left-sided weakness, and balance issues that interfered with her ability to do her job and enjoy her life. She was forced to work reduced hours which led to a reduction in pay, Yarborough said.

The woman was also represented by Reynolds Blankenship of Yarborough Applegate, Shelly Leeke and Joe Krause of Shelly Leeke Law Firm in North Charleston, and William “Kip” Darwin of Holcome Bomar in Spartanburg.

Yarborough said that the defendant’s insurance company failed to timely tender the \$3 million policy limits, leading to the lawsuit. The insurance broker then failed to timely deliver the suit to the insurance company, Yarborough said, leading to the defendants being placed in default. A fully contested damages hearing was held on June 3, after which the parties mediated and resolved the case.

Many of the case’s details, including the names of the parties and defense counsel, were withheld due to a confidentiality agreement.

Yarborough said that the defense claimed that there was no objective evidence of brain injury, bleeding, or skull fracture and that the plaintiff never lost consciousness.

“The defense contended that the plaintiff continued going to

SETTLEMENT REPORT- MOTOR VEHICLE NEGLIGENCE

AMOUNT: \$10 million

INJURIES ALLEGED: Mild traumatic brain injury

CASE NAME: Withheld

COURT: Spartanburg County Circuit Court

JUDGE: Judge Mark Hayes and mediator Kurt Rozelsky

DATE OF SETTLEMENT: June 2022

HIGHEST OFFER: \$3 million

ATTORNEYS FOR PLAINTIFF: Shelly Leeke and Joe Krause of Shelly Leeke Law Firm in North Charleston, David Yarborough and Reynolds Blankenship of Yarborough Applegate in Charleston, and William “Kip” Darwin of Holcome Bomar in Spartanburg

ATTORNEY(S) FOR DEFENDANT: Withheld

concerts and remained active in her lifestyle after the injuries,” Yarborough wrote in an email to Lawyers Weekly. “The defense claimed that the plaintiff actually was earning more after the collision because she was working less hours and had additional benefits in her new job that made it more lucrative.”