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Wreck bystander hit by car settles suit for \$1.2M

By: Bill Cresenzo ◉ July 30, 2019

A pedestrian who was severely injured after he was hit by a vehicle when he got out of his car to check the status of a wreck has settled a lawsuit against the at-fault driver for \$1.2 million, his attorney reports.

Mark Bringardner of the Joye Law Firm in Charleston said that his client, Carl Ware, was driving on Brownswood Road in Charleston County in November 2017, when he came upon backed-up traffic caused by a fatal wreck on Maybank Highway, which intersected with Brownswood. Ware got out of his car, walked toward the scene, and saw that ambulances and police had arrived, so he began walking back to his car.

At the same time, Charles Kann, who had been sitting in traffic on Maybank, turned his car around and turned onto Brownswood, where his car hit Ware.

Ware was thrown into a ditch and suffered severe injuries. He was in the hospital for ten days with injuries including internal bleeding, collapsed lungs, shoulder trauma, various fractures, and head trauma. He needed multiple surgeries requiring medical device installation, and his wife, Cynthia Ware, suffered a loss of consortium, Bringardner said.

Bringardner said that liability was “hotly contested,” and police said that Ware was at fault. But even though the accident happened at night, drivers had their headlights and there was ambient light from a nearby apartment complex, so there was no reason that Kann should not have seen Ware, Bringardner said.

Kann was likely frustrated because he had been stuck in traffic for a long time and when he turned onto Brownswood, he gunned the engine and struck Ware, Bringardner said.

The accident has caused Ware to suffer serious depression, Bringardner said. A former competitive shagger, he no longer holds any interest in the dance and has withdrawn from his family and friends, Bringardner said.

Warren Moise of Grimball and Cabaniss in Charleston represented Kann. He declined to comment on the settlement.

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SETTLEMENT REPORT — MOTOR VEHICLE ACCIDENT

Amount: \$1.2 million

Injuries alleged: Internal bleeding, collapsed lungs, shoulder trauma, various fractures, head trauma, and loss of consortium

Case name: *Carl Ware and Cynthia Ware v. Charles Kann*

Court: Charleston County Circuit Court



Bringardner

Case No.: 2018-CP-10-363

Mediator: John Tiller of Haynesworth Sinkler Boyd in Charleston



Date of settlement: May 15

Special damages: \$305,000 (medical costs)

Attorney for plaintiff: Mark Bringardner of Joye Law Firm in Charleston

Attorney for defendant: Warren Moise of Grimball and Cabaniss in Charleston

Tagged with: MOTOR VEHICLE ACCIDENT

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