

SOUTH CAROLINA Lawyers Weekly

VIDEO UPDATE: Bicyclist who collided with police car gets \$365K

By: Phillip Bantz October 18, 2017



A young man who collided with a police car while riding his bike to work at the Naval Weapons Station in Goose Creek has received a \$365,000 jury award — after the defense initially offered \$2,500 to settle the case, according to the plaintiff's attorney.

Mark Bringardner of the Joye Law Firm in Charleston said the Goose Creek Police Department and its attorney argued that the 20-year-old bicyclist, Michael Whitehouse, was at fault because he was riding his bike on the sidewalk in violation of a city ordinance.

But Bringardner contended that it would've been dangerous for Whitehouse to bike on the road during morning rush-hour traffic and said the officer involved in the accident "agreed that it was safer and more reasonable to ride on the sidewalk."

The police department's attorney, Tim Domin of Clawson & Staubes in Charleston, did not respond to an interview request.

Bringardner said the officer testified that he looked both ways before he pulled forward at the intersection of Red Bank Road and Boone Avenue. His dashcam recorded the front of the patrol car striking Whitehouse, who flipped over his bike's handlebars.

He sustained a broken arm that required two plates and six screws; underwent four months of physical therapy; and continues to complain of pain and weakness, according to Bringardner. He said Whitehouse had \$110,000 in medical bills.

The taxpayer-backed South Carolina Municipal Insurance Reserve Fund, which stepped in on behalf of the Goose Creek Police Department, increased its initial settlement offer of \$2,500 to \$30,000 two days before trial, Bringardner said.

He added that the fund uses the \$300,000 damages cap under the South Carolina Tort Claims Act to "lowball settlement offers."

"They say, 'Look, even if you hit a home run there will be a cap of \$300,000,'" he added.

He said the jury deliberated for about 25 minutes before reaching its verdict, which will be reduced under the cap.

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CORRECTION: An earlier version of this story incorrectly identified the SC Insurance Reserve Fund as the insurer for the Goose Creek Police Department.

VERDICT REPORT – NEGLIGENCE

Amount: \$365,000, reduced to \$300,000 under SC Tort Claims Act

Injuries alleged: Broken arm

Case name: Michael Whitehouse v. Goose Creek Police Department

Court: Berkeley County Circuit Court

Case number: 2016-CP-08-1882

Judge: Markley Dennis

Date of verdict: Sept. 27

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

Attorney for defendant: Tim Domin of Clawson & Staubes in Charleston

Tagged with: NEGLIGENCE

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130 N. McDowell Street, Ste. B,
Charlotte, NC 28204
(800) 876-5297