

# The New York Jury Verdict Reporter

XIV/27-31 MOTOR VEHICLE — BICYCLIST PASSES RED LIGHT — WRONGFUL DEATH

**SETTLEMENT:** Est. of Michael Henry Diaz v. Holmes Protection Corp. and Nelson Valentin 1433/92 Date of Settlement 10/17/95 New York Supreme

Pltf. Atty: Kenneth A. Wilhelm, Manhattan

This action settled prior to trial for \$600,000. Pltf. claimed that on 3/15/92, decedent, a 37-year-old City employee, was riding his bicycle on Ninth Ave. in Manhattan when he was struck by Def't.'s vehicle, which was heading east on 28th St. Three independent witnesses listed on the police report stated that the bicyclist went through a red light at the intersection. One witness testified that Def't. was speeding at 55 mph. The autopsy report indicated that marijuana was detected in decedent's bloodstream. Pltf. would have argued that Def't. had the opportunity to avoid the accident.