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NEWS

Milford Lawyers Negotiate \$4.6 Million Settlement for Injured Motorcyclist

Plaintiff Paul Cheney suffered a traumatic brain injury after his motorcycle struck a pick-up truck. He settled his case for \$4.6 million.

By Robert Storage

Attorneys for a 70-year-old North Carolina man who suffered a traumatic brain injury and sustained severe injuries to the right side of his body after the motorcycle he was riding struck a pickup truck in Kent in 2018 have secured a \$4.6 million settlement.

Lead plaintiff attorney Gerard McEnery said the biggest obstacle he could have faced with a jury if the case had gone that far was the attitude some people have of motorcyclists. But McEnery, founder of Milford-based McEnery, Price, Messey & Sullivan, said his client Paul Cheney was not your typical motorcyclist.

“We had a motorcycle driver which, we know, the general public sometimes frowns upon,” McEnery said. “But in this case,



Courtesy photo

Paul Cheney sustained numerous injuries, including a traumatic brain injury and memory loss, after his motorcycle struck a pickup truck in July 2018. His attorney recently settled the case for \$4.6 million.

our client was a renowned and antique motorcycle restorer. His story was very believable, as my client was just out for a leisurely ride, and this guy just pulled out in front of him.”

Cheney had retired from his job as a motorcycle restorer for Max

BMW in Redding. An amended lawsuit was filed in January 2019 in Bridgeport Superior Court.

McEnery said defendant Tony Baker drove his pickup truck into an intersection, and Cheney, who was traveling alone and going 30 miles per hour in a 35-mph zone,

could not stop in time and hit the truck head-on.

“The defendant failed to make sure it was safe to go into the intersection and yield the right of way,” said McEnery.

Defense counsel, Jane Bietz of Cheshire-based Nuzzo & Roberts, did not respond to a request for comment Friday.

In court papers, the defense argued Cheney was negligent, and that he had been responsible for the crash. The pleadings allege Cheney was operating his motorcycle at “an unreasonable rate of speed” and was inattentive to his surroundings.

The right side of Cheney’s body went straight into the left side of the truck, his attorney said. And McEnery said the impact of the crash lifted Cheney across the top of the truck.

“He landed on his back on the pavement,” McEnery said.

Baker was given an infraction for failure to yield the right of way.

McEnery said Cheney, who was wearing a helmet, suffered brain

damage, and had shunts put in during brain surgery.

“My client has severe injuries to the whole right side of his body, including his wrist, ankle, leg and face,” the attorney said. “They were all impacted.”

McEnery said his initial offer of compromise was for \$6 million. He declined to say what the defense initially offered. But McEnery called the \$4.6 million settlement, which was finalized Tuesday, “very fair.”

McEnery said he believes he was able to settle for such a substantial sum of money because “we did the leg work and the ground work. We had expert testimony lined up to say that the defendant was negligent and showed disregard for his actions.”

In addition, McEnery said, “We brought on Jeff Armstrong, an accident reconstruction expert out of Tampa. He had performed a laser scan study of the site and would have shown the speed our client was going and the defendant’s entering the intersection

and going into the path of our driver.”

McEnery said his client “has limitations.”

“He does not have the same physical strength he had before, and he certainly can’t ride motorcycles anymore,” the attorney said.

Assisting McEnery were his colleagues Charles Price Jr., Robert Messey and Gayle Sullivan.

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