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Jury Awards $41 Million Verdict For Failure To Warn Homeowner Of Dangerous Bicycle Path

05/16/19

In the recent case, Schnurr et al. v. J.L. Property Owners Association Inc. et al., a Florida jury awarded $41 million to a bicyclist, James Schnurr, who crashed into a bollard installed on a bicycle path constructed for a homeowners association in a residential community that left him paralyzed from the neck down. The association, which chose to keep its roadways private, installed the bicycle path without commissioning an engineering study and without obtaining permits. The association installed bollards on the path to prevent motor vehicle traffic and painted the bollards beige for aesthetic reasons rather than a brighter, more visible color. The jury allocated responsibility among the homeowners association, bicyclist and golf club owner and specifically found that the homeowners association was 45% at fault for failing to warn the bicyclist of the dangerous condition created by the unsafe bollards.

Although the case did not involve the developer of the community, developers should take heed to always ensure necessary permits are in place before commencing construction of any element, and to always seek and rely upon the advice of licensed professionals.

If you have questions about this case or construction defects in New Jersey, contact Don Taylor at 732.855.6434 or Dan Kluska at 732.855.6033.

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