

# Santa Clara County Jury Awards Nearly \$7 Million to Injured Motorcyclist

*Adding \$3.1 million in costs & interest, the insurance carrier, Geico is liable for \$10.1 million for refusing to settle the case for the \$100,000 policy limit.*

SAN JOSE, CA, UNITED STATES, December 7, 2017 /EINPresswire.com/ -- The San Jose, California personal injury law firm of [Corsiglia McMahon & Allard](#) is announcing that a Santa Clara County jury awarded nearly \$7 million to a motorcyclist injured by a distracted driver (case number 113CV246033). Attorney [Timothy McMahon](#) represented the German immigrant, 48-year-old Malte Selck.

Mr. Selck was riding his motorcycle in 2012 on Highway 101 during rush hour traffic. As traffic slowed in front of him, so did the motorcyclist. However, the Honda vehicle behind him did not as the driver was distracted by her dog in the front passenger seat. The driver traveling in excess of 60 mph rear-ended the motorcyclist and sent him flying. She also rear-ended another vehicle, but the driver suffered only mild injuries. Mr. Selck suffered a hip fracture and an L1 burst fracture spending ten days at SCVMC.



For nearly 3 ½ years, the Honda driver, prompted by defense counsel paid for by her insurance company, Geico, refused to pay for the motorcyclist injuries falsely claiming that Mr. Selck rear-ended her vehicle. This defense was pursued despite the fact that there was no damage to the front of the motorcycle, yet the rear wheel of the motorcycle became detached in the collision.

When the motorcyclist's attorney, Timothy McMahon (with the help of an off-duty SJPD officer who witnessed the accident) was able to show that the Honda rear-ended the motorcyclist instead, Geico changed their story. During discovery, it was revealed Geico's experts had been aware for years that the defendant's vehicle rear-ended the motorcycle but had kept this a secret until expert depositions were taken. In the jury trial, attorneys for Geico argued that the motorcyclist was lane splitting at a high rate of speed and cut in front of the Honda, causing the accident. The defense expert acknowledged that this was a "new story" that he came up with shortly before trial.

The jury saw ten animations of the accident in the defense experts file showing that the defendant was at fault and that were prepared before the "new story" was concocted. The jury then saw a second Geico animation of the accident, in which the defendant's expert changed his "story" and tried to convince the jury that Selck was lane splitting and at fault for the accident. The defense expert had no explanation why he changed his "story." The change in "stories" led jurors to rule against the defendant.

The jury, late last week, unanimously found in favor of the motorcyclist and awarded \$6,945,526.00 for

his injuries, including pain and suffering. Mr. Selck will also receive another \$3.1 million in interest and for expert expenses accrued as a result of the insurance company refusing to settle the case when presented with an offer in 2014. In 2013, Geico refused to settle the case for \$100,000 stating that there was no liability since they claimed the motorcycle rear-ended the defendant's vehicle. Ironically, both Mr. Selck and the defendant were insured by Geico.

Mr. McMahon was assisted in trial by associate attorneys Ben Stoddard and Mark Sigala.

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