



Bicyclist's Death Leads to Overhaul of Safety Policies

BY MANDY BROWN

In November 2017, 24-year-old pastry chef Emily Fredricks rode her bicycle from her apartment to her job at a restaurant in Philadelphia. As she approached an intersection, a trash truck driven alongside her by Jorge Fretts, an employee of waste disposal company Gold Medal Environmental, prepared to make a right turn across Emily's path. About 40 feet from the intersection, Fretts had passed a road sign telling drivers to "Yield to Bikes." Fretts, however, failed to yield or check his surroundings and made the turn without using his turn signal. The truck struck Emily's bike, knocked her to the ground, and ran over her, crushing her chest. She died from her injuries.

Emily's parents, Richard and Laura Fredricks, hired Philadelphia attorneys Larry Bendesky, Adam Pantano, and Robert Zimmerman, who investigated the crash and negotiated a presuit settlement with Gold Medal.

"From the start of this process, our clients had two goals: to learn what caused their daughter's death and to help make sure that this didn't happen to another family," said Bendesky. "Working toward the latter, they consulted with the Bicycle Coalition of Philadelphia, and we also retained experts who could provide more information on street safety standards and best practices."



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The attorneys focused on discovering what led to the crash. "There are two storefronts within about 60 feet of the collision," said Zimmerman. "We acquired their surveillance footage of the crash, which really helped us

narrow the issues. We also worked with defense counsel to get the company's insurance information and video footage from the inward and outward facing cameras on the truck, which showed that the driver was not paying close attention to the road when he made the turn and struck Emily."

The team created a video showing Emily's life before she was killed, which included photos; clips from home videos; and interviews with Emily's family, friends, and coworkers. The family spoke about how her death had affected them, and about her personal and professional accomplishments and future goals.

The video also included a brief interview with an expert who described the pain and suffering caused by a crushed chest cavity and what Emily may have experienced during her last moments. The attorneys sent the video to Gold Medal with a letter demanding the defendant's full insurance limits of \$6 million, detailed company safety improvements, and a financial contribution to safe street initiatives throughout the Philadelphia region.

In 2018, the parties settled for more than the \$6 million of available insurance coverage. As part of that settlement, Gold Medal agreed to pay \$125,000 over five years to organizations dedicated to improving street safety in Philadelphia

and to make significant company-wide safety improvements. These included hiring an independent, certified organization to conduct the company's safety training; completing a safety audit; implementing 26 new safety policies and procedures; and inviting the Fredrickses to speak about their family's loss and the critical importance of safe driving. The family and their attorneys gave their first speech to Gold Medal's drivers in April.

"We hope that these talks will be ongoing so that company employees really grasp the devastating effect of this collision and how, as drivers and managers, they have the power to prevent something like this from

happening again," said Pantano.

The family insisted that the settlement terms be made public to increase Gold Medal's accountability, and Pantano shared that the company did not object to this condition. "To its credit, it did not push for the settlement to be secret, focusing instead—as it should have—on creating a new culture of safety within the company."

"We always consider how litigation can help make processes and products safer for people in the future. We were fortunate in this case to work with clients who shared this focus, and from what we've heard anecdotally, the Philadelphia community has responded to news of the settlement

terms with overwhelming support. The story of this family's efforts to stop a preventable harm from reoccurring has really resonated," Zimmerman said.

The Fredrickses also have reached a separate settlement with the city of Philadelphia for \$500,000—the state statutory cap on damages against the city—for claims related to the layout and upkeep of bike lanes. The family intends to use the full settlement to fund transportation safety initiatives.

"These settlements," Bendesky observed, "show the civil justice system at work—a tragedy occurred and from that tragedy have come safety improvements that the public will benefit from, now and in the future." ■

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