



Bicyclist alleged pickup truck driver made unsafe left turn

Amount: \$21,202

Type: Verdict-Plaintiff

State: Texas

Venue: Harris County

Court: Harris County District Court, 80th, TX

Injury Type(s):

- *back* - sprain, lumbar; strain, lumbar
- *neck* - sprain, cervical; strain, cervical
- *ankle* - sprain/strain
- *other* - laceration; chiropractic; physical therapy
- *hand/finger* - hand; finger; finger, dislocation

Case Type:

- *Motor Vehicle* - Bicycle; Left Turn; Intersection

Case Name: Johnathan Mancillas v. Concepcion Segura-Aguilar

Date: March 05, 2019

Plaintiff(s):

- Johnathan Mancillas (Male, 20 Years)

Plaintiff Attorney(s):

- Kimberley M. Spurlock; The Spurlock Law Firm; Humble TX for Johnathan Mancillas

Defendant(s):

- Concepcion Segura-Aguilar

Defense Attorney(s):

- Joshua Avelar; Lauren S. Shaw & Associates; Houston, TX for Concepcion Segura-Aguilar

Facts:

On Dec. 10, 2015, plaintiff Johnathan Mancillas, a barber student in his 20s, was bicycling in Jacinto City, headed north. Concepcion Segura-Aguilar, driving a pickup truck, was turning left from a southbound street. The front of Segura-Aguilar's truck and Mancillas' front wheel collided. Mancillas claimed that he suffered injuries of an ankle, his back, a hand and his neck.

Mancillas sued Segura-Aguilar. He alleged that Segura-Aguilar was negligent in the operation of her vehicle.

Mancillas claimed that Segura-Aguilar should have yielded the right of way. He also claimed that he was thrown from his bike into the grass.

Segura-Aguilar claimed that the accident was caused by Mancillas alone, in not keeping a proper lookout and in riding his bike across the street where he did. Defense counsel cited the municipal code section that says essentially that persons riding bicycles have to obey the same rules as motorists. The defense argued that, if Mancillas wanted to cross the street where he did, without traveling in a lane of traffic, he should have dismounted from his bike and walked it across.

Defense counsel also argued that it was reasonable that Segura-Aguilar did not see Mancillas before the impact. The area had little lighting; Mancillas was not wearing reflective clothing; and his bike had reflectors but no lights. Also, based on the location of the damage to the car, the defense argued that Mancillas ran into Segura-Aguilar, not the other way around.

Injury:

Mancillas was taken by ambulance to an emergency room. He was prescribed pain medication and given crutches. He testified that he used the crutches for several weeks.

Mancillas ultimately claimed that he suffered sprains and strains of his back and neck, a sprain of an ankle, a laceration of his right, dominant hand, a dislocation of a finger, and bruises and lacerations.

Mancillas underwent about a week of physical therapy with a chiropractor but did not resume treatment until April 2016. His last treatment was on July 8, 2016, about eight months after the accident. Regarding the treatment gap, Mancillas explained he had no transportation after the accident and had difficulty walking to the bus stop because of his injuries.

Mancillas testified that, because of his neck and back pain, he was unable to play with his children as much during his recovery. He also testified that he had to quit barber school for six weeks. He later completed school and is now a practicing barber. He retains a scar of his left hand.

For past medical expenses, Mancillas sought \$16,702.20. The other elements of damages were past and future physical pain and mental anguish, past physical impairment and past disfigurement.

The defense emphasized the treatment gap, which was about 130 days, and argued that the subsequent treatment was unrelated to the accident. Based on the gap, defense counsel argued failure to mitigate damages.

Defense counsel also questioned the visibility of the scar on the back of Mancillas' left hand. Mancillas had a tattoo there.

Defense counsel suggested that, if the jury reached damages, it should award the medical bills through Dec. 17 and no other damages.

Result:

The jury found negligence and comparative responsibility of 80 percent on Segura-Aguilar and 20 percent on Mancillas. Mancillas' damages were \$21,202.20, the jury found. After the reduction for comparative responsibility, Mancillas' recovery was \$16,961.76.

Johnathan Mancillas

\$16,702 Personal Injury: Past Medical Cost

\$3,000 Personal Injury: past physical pain and mental anguish

\$1,500 Personal Injury: future physical pain and mental anguish

Actual Award: \$16,962

Trial Information:

Judge: Larry Weiman

Demand: \$30,000 (insurance coverage's limit)

Offer: None

Trial Length: 2 days

**Trial
Deliberations:** 1.5 hours

Jury Vote: 12-0

**Jury
Composition:** 6 male, 6 female

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.