

# DAILY REPORT

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## Lawsuit Over Death of SE Georgia Man Hit by Truck While Riding Bicycle Settles for \$7.5M

Attorney Ben Brodhead said the case's relatively speedy settlement indicated that the defendant driver's insurer, USAA, know it would likely pay more had it gone to trial.

BY GREG LAND

The mother of a man from Liberty County, Georgia, who was fatally injured on Christmas Day 2018 while riding the bicycle he'd been given the day before has settled her wrongful death claims for \$7.5 million claims with the defendant driver's insurer.

The deceased, Erik Konig of Hinesville in southeast Georgia, had "fallen on hard times" and was unemployed with no fixed address or means of transportation, said Atlanta-based **Brodhead Law** principal Ben Brodhead.

On Christmas Eve, a "good Samaritan" gave Konig a bicycle, and he was on his way to church at about 7:30 p.m. the next day when a Dodge Ram

pickup struck him from behind on Oglethorpe Parkway.

The Hinesville Police Department report said Konig, 33, was "in critical condition and comatose" at the scene and was transported to Savannah Memorial Hospital. The report did not indicate that any charges were filed against the truck's driver, Ronald Lairamore Sr.

Lairamore, 66, told the investigating officer the bicycle had no lights and that he did not see it; he was not charged.

Konig died Jan. 8, 2019.

A few days before Konig's death, Lairamore's insurer, USAA, "proactively offered to pay its \$25,000 policy limit," Brodhead said, but included a demand that any potential medical liens be included in the settlement.



Ben C. Brodhead of Brodhead Law.  
(Courtesy photo)

Konig was unmarried and had no children, so his mother, Andrea Konig, held the claim, Brodhead said.

She retained Atlanta-based McKenney & Froelich partner William McKenney to handle the case, and he sent USAA a compromise proposal demanding the \$25,000 limit and offering a "reasonable release" for any wrongful death claims by

Ms. Konig or her son's estate and indemnification for any claims exceeding those limits.

He also demanded a sworn affidavit that there was no additional insurance coverage available to Lairamore.

The offer gave USAA 36 days to respond—six days longer than the law requires for time-limited insurance demands under Georgia law—and allowed 15 days for payment, five days longer than the legal minimum.

USAA did not respond in a timely manner, Brodhead said.

“Since my firm has experience in situations where insurance companies fail to accept reasonable offers, Mr. McKenney reached out to me,” said Brodhead, who came aboard as lead counsel.

In July, Brodhead **sued** Lairamore in Liberty County State Court.

“As we knew from Mr. Lairamore's prior statements, there was going to be a challenge to lighting and conspicuity,” Brodhead said. “However, our investigation indicated that Mr. Lairamore could have been under the influence of prescription drugs that could have impaired his ability to

drive safely, which would help explain why Mr. Lairamore failed to see Erik riding his bicycle.”

Last month, sent USAA an offer to settle for \$7.5 million.

The offer was nonnegotiable, and, “as is my firm's policy, this was the best offer that would have ever been issued,” Brodhead said.

On Dec. 7, USAA's attorney, **Lueder, Larkin & Hunter** partner Clair Sumner, sent over a check for \$7.5 million; the notice of dismissal was filed in Liberty County on Thursday.

The case “moved quickly, and I think there were two things that helped it move,” Brodhead said.

“For one, my firm has been pretty solid on making our first offer as low as we can to resolve a case quickly, so the second would have been higher and a third even higher than that.”

“We've always done better at trial when they don't settle, and this case was worth more than they settled for,” he said. “USAA knows this and decided it was in their best interests to get it resolved.”

Brodhead said he thought the insurer saved itself millions

of dollars by settling sooner rather than later.

“Additionally,” he said, “by choosing settlement rather than unnecessary litigation, Ms. Sumner and USAA allowed Andrea Konig to have the closure she needed after this tragedy. Andrea was very relieved that she was not forced to endure extended litigation where she would have to relive the loss of her son.”

Sumner did not immediately respond to a request for comment Friday.

*Greg Land covers topics including verdicts and settlements and insurance-related litigation for the Daily Report in Atlanta.*