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LEGAL GEARS

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Earlier this month, the United States District Court for the Northern District of California issued a decision in a case that involved an injured bicyclist. You might wonder what a run of the mill bicycling accident case is doing in federal court? Simple negligence case, right? Had to be a diversity case, right? There can't be federal question jurisdiction, right? Wrong. This unfortunate bicyclist was seriously injured by a defective condition (allegedly) while riding on federal property. This means that the Plaintiff's claims arose under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. 2671 *et seq.* As such, Plaintiff had to submit an administrative claim to the appropriate agency within two years of the accident. Ok, which agency you might ask? Good question.

In May of 2015, the Court dismissed the action after determining that Plaintiff had failed to present his administrative claim to the trust that controlled the property within two years of the accident. The Court later reopened that case, however, after receiving new evidence that the Plaintiff actually had submitted several administrative claims to several different federal agencies over a period of four months before the two year deadline. The Court also denied the government's second motion to dismiss which argued that the Plaintiff had failed to submit his claim to the proper federal agency under the FTCA.

The Plaintiff was extremely fortunate to say the least. Who would ever think that a simple bicycling accident case would get into federal court under the FTCA and that someone might have to spend months figuring out which agency had jurisdiction over an administrative claim. Clearly, it can happen. And clearly, bicycling accident claims are not easy.

Do you need legal counsel?



Bicyclists have unique rights and duties under the New York Vehicle and Traffic law. As such, bicycling accidents are not exactly the same as the average automobile accident or negligence claim and they should be evaluated thoughtfully and handled in light of these differences. Resolving a bicycling accident claim can be an arduous and challenging undertaking that requires dauntless advocacy. After all, at the end of the day no one hires the litigation attorney to be a nice guy. Success requires setting realistic goals, intelligent tactics, meticulous preparation and seasoned, confident counsel. My experience representing both plaintiffs and defendants in and out of the courtroom along with my ferocious advocacy have made me a sought-after attorney for corporations and individuals alike. I assist my clients with determining their needs and goals. Together we generate strategies designed to achieve the best outcomes possible – all the while keeping the economics of litigation in mind.

How can I be of service to you?

