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Speeding biker settles for \$1.5M

Motorcyclist who lost his legs after crash said he was going 70 in a 50; cops say 89

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A man whose legs required amputation after his motorcycle collided with an SUV in June has settled for \$1.5 million with the driver.

Clayton Oates, who was 24 at the time, was traveling above the speed limit while operating his 2016 Triumph Tiger southeast on Huntley Road in far northwest suburban Gilberts when 73-year-old Patricia Temmer — who was waiting to turn left from Huntley onto Kreutzer Road — crashed her 2008 Chevrolet SUV into the front of his motorcycle.

Jennifer L. Ashley, a partner at Salvi, Schostok & Pritchard P.C., said Oates admitted he was traveling 70 mph in a 50 mph speed zone, but police estimated he was going about 89 mph.

However, Ashley said she spoke with several witnesses who were at the collision scene who either didn't think Oates was speeding or said Temmer should have waited to turn or thought she initially hesitated before executing the turn.

"Even if he was speeding, the

witnesses felt that they could see the motorcycle and that she shouldn't have gone," Ashley said. "I've done a lot of motorcycle cases in the past, and it always is a factor that people are used to seeing other people on the roadway. When you're estimating the speed of a motorcycle, it's more difficult."

The collision sent Oates about 500 feet into a cornfield, Ashley said, with his right leg mostly severed and pinned underneath him and his left leg also with an open break.

His right leg was immediately amputated below the knee, she said, and physicians amputated his left leg, also below the knee, after about a month of attempting to save it.

He also sustained exposed fractures in his right forearm and left wrist, acute kidney failure and other internal injuries. About 2 feet of his small intestine were also removed as a result of the collision, Ashley said.

Oates, an Air Force veteran who has been recovering at a Veterans Administration Hospital in Hines, is working toward building enough muscle to walk in his prosthetics but is recovering ahead of

schedule, Ashley said.

"He's just gaining strength because he's been in a wheelchair all these months, so it's a process where he puts on the prosthetics, he walks in them short distances, he's building muscle and they adjust it, but he is able to walk," she said. "He's always had a positive attitude about it, and I admire his positivity which I think helped him progress so quickly."

Ashley said she saw the Temmers in traffic court when she began discussing a settlement under terms of their insurance policy. This was considered as an alternative to filing suit against them, she said.

"They didn't really want to settle, but I don't think at that time they knew the severity of the injuries," she said.

But as Oates' speeding could have posed a risk at trial, Ashley said she highlighted to the Temmers a Cook County jury's recent \$8 million verdict on a case with similar facts — which totaled \$14.5 million before it was reduced for contributory negligence. That case is *William Hickey Jr. v. Pace Suburban Bus Service, et al.*, 12 L 8082.

"I used that to show the defense attorney that's exactly what could happen in this case, but we're willing to take the \$1.5 million right now," she said. "I thought if I could push how bad the injuries were



Jennifer L. Ashley

that we wouldn't have to get into accident reconstruction and things like that."

Timothy Young, a partner at Lewis Brisbois Bisgaard & Smith LLP who reached the settlement with Ashley and Oates, could not be reached for comment.

Ashley said her client is "very appreciative" for the quickness with which his case could be resolved, especially since they didn't know how it would turn out in court.

"It could have gone many different ways, but we were able to get the best case scenario for him," she said. "He was always giving his best at his recovery, but to be able to put the legal part aside, he is now able to focus 100 percent on his recovery."