

Jury: Jonathan's Landing must pay bicyclist millions for hitting pole



By Jane Musgrave

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James Schnurr broke his neck when he crashed into a pole he couldn't see and that was placed in the path without permits and in defiance of decades-old rules established by traffic engineers, his attorney said.

WEST PALM BEACH — One minute James Schnurr was enjoying a postcard perfect South Florida day with his wife, [bicycling along a lushly landscaped](#) path near the couple's home in Jonathan's Landing in Jupiter.

The next minute, the 64-year-old chief accountant for the Securities and Exchange Commission was lying in a heap, his body and his life irreparably broken.

Schnurr broke his neck when he crashed into a pole he couldn't see and that was placed in the path [without permits and in defiance of](#) decades-old rules established by traffic engineers, said his attorney Gregg Schlesinger.

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Paralyzed from the chest down, the former professional basketball player who became a wildly successful businessman can no longer feed himself, much less work, Schlesinger said.

Acknowledging the senseless and tragic turn of Schnurr's life, [a Palm Beach County jury late Wednesday agreed](#) that the Jonathan Landing's property association was partially responsible for his devastating injuries and the pain inflicted on his wife.

The jury set the Schnurrs' damages at \$41 million, including medical expenses, lost wages and pain and suffering. But because it also found Schnurr was 50 percent responsible for the 2016 crash, the association will only have to pay about \$18.5 million, said attorney Todd Ehrenreich, who represented the association during the five-week trial.

The jury also found that Jonathan's Landing Golf Club was 5 percent responsible for the accident. The Schnurrs reached a confidential settlement with the club before the trial, said attorney Thomas Angelo, who also represents the couple. That means it can't be forced to pay any additional money.

Ehrenreich said he will file motions asking Palm Beach County Circuit Judge Lisa Small to toss out the verdict. If that fails, he said the association will decide whether to launch an appeal.

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Schlesinger said the accident was totally preventable.

Riding behind his wife, Schnurr couldn't see the pole before it was too late, Schlesinger said. His view of the pole was blocked by his wife and also because it was painted beige to blend in with the surroundings, he said.

"The association was more interested in the way things look than the way things function," Schlesinger said.

Had the association hired engineers before planting poles in the middle of each lane of the path, they would have discovered decades of research about how to do it safely, Schlesinger said.

Transportation engineers testified that poles should be painted bright yellow. Markings should be placed on the sidewalk to warn bicyclists that there's an obstacle up ahead. Further, instead of heavy, immovable wooden poles, flexible ones are recommended, Schlesinger said.

Palm Beach County building officials would not have signed off on the poles if the association had sought permits for them, which they didn't, he said.

Ironically, the poles were installed to protect bicyclists

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While roughly 10 miles of bike paths cut through the exclusive community along the Intracoastal Waterway, poles were only placed at one intersection. They were put in more than a decade ago after residents said they saw a car using the path as a short-cut, Schlesinger said.

The association tried to argue that it wasn't responsible for the bike paths but legal documents say otherwise and Judge Small rejected that claim, Angelo said.

Schnurr, now 67, is living in a rehabilitation facility in Connecticut, dealing with health woes that plague quadriplegics, Angelo said. While the multi-million-dollar jury verdict may sound high, the money will be quickly consumed by Schnurr's staggering health needs, he said.

Schlesinger, who is also a general contractor, said he hopes other property owners associations take note of the verdict and analyze their communities in search of dangerous obstacles.

In 2013, a similar message was sent out when a Palm Beach County jury ordered a Jupiter condominium association to pay \$12 million to a couple whose son was hit and killed by a driver who couldn't see the youth because the hedges at the complex hadn't been trimmed. Statewide groups that represent condominium

associations urged their members to take note of that verdict, which was upheld on appeal.

Like the couple who lost their son, the Schnurrs are dealing with the horrific consequences of poor decision-making, Schlesinger said.

Schnurr, who played professional basketball in Europe before beginning his business career, was wearing a helmet. He was riding about 14 mph. He was simply enjoying an afternoon out in the sunshine with his wife.

“This shouldn’t have happened,” Schlesinger said. “This man is a quadriplegic because those people installed something that shouldn’t have been there.”