



## Ex-SEC Chief Accountant Wins \$41M Verdict For Bike Crash

By **Carolina Bolado**

Law360 (May 15, 2019, 9:06 PM EDT) -- The former chief accountant for the [U.S. Securities and Exchange Commission](#) won a \$41 million verdict against a Florida homeowners association Wednesday after a jury determined the association negligently maintained a bicycle path on which he crashed and injured himself.

Jurors in Palm Beach County awarded James Schnurr, who was forced to leave his SEC position in 2016 because of the crash, **\$41,050,000** in damages after a five-week trial over a bicycle path that winds through the Jonathan's Landing residential community in Jupiter, Florida. Schnurr said that bollards placed in the path made it unsafe and caused the accident that left him paralyzed below the neck.

The jurors split fault for the accident between Schnurr, who was deemed 50% at fault, and J.L. Property Owners Association Inc., which runs the community, and Jonathan's Landing Golf Club Inc. The court will determine at the judgment stage whether a reduction in the damages award to reflect the jury's fault findings is appropriate.

Schnurr and his wife were riding their bicycles on the community path on April 10, 2016, when he says he was distracted by another rider and rode directly into the bollards that were on the path to deter cars from entering. Schnurr was ejected from his bicycle and became paralyzed below the neck, according to his attorneys.

That July, the SEC announced he had stepped down as chief accountant to recover from his injuries.

At trial, Schnurr argued that the bollards were unsafe and easy for a cyclist to miss. They were painted beige for aesthetic reasons to help them blend in, as opposed to a brighter color that would have alerted cyclists to their presence, according to his attorneys.

"I had as an expert the State of Florida's engineer who wrote the guidelines for how you design bicycle paths," **Gregg Schlesinger**, who represented Schnurr, said. "This is one of the things you never do. You never put a fixed object in a bicycle path."

Schlesinger added that the community, which refused to be annexed into Jupiter, took on the obligations of maintaining its roadways but built the bicycle path without permits and did not have an engineer inspect the roads.

"Hopefully it brings attention to other private gated communities that they are responsible for complying with the governing code," Schlesinger said. "They can't just do what they want."

Jonathan's Landing argued that Schnurr had a duty to avoid hitting the bollards, which were open and obvious. The association said it had no control over his lack of attention to where he was going or his distraction by another rider.

An attorney for Jonathan's Landing could not be reached for comment Wednesday.

Schnurr and his wife are represented by Gregg A. Schlesinger, Zane Berg and Cristina Sabbagh of [Schlesinger Law Offices PA](#).

The property owners association is represented by Martin D. Stern and Arthur J. Laplante of [Hinshaw & Culbertson LLP](#).

The case is Schnurr et al. v. J.L. Property Owners Association Inc. et al., case number 2016-CA-009882, in the Fifteenth Judicial

Circuit Court of the State of Florida.

--Editing by Adam LoBelia.