

Wrongful Death Claims After a Fatal Bicycle Accident in New Orleans

Compassionate legal support for families after a fatal bicycle accident

Losing a loved one in a [bicycle accident](#) is a tragedy no family should face. When a motorist's negligence turns a simple ride into a fatal collision, the grief and shock are quickly followed by practical questions: Who can be held responsible? How do we cover the unexpected costs? What rights do we have?

In New Orleans, the answers lie in Louisiana's [wrongful death](#) laws. Read on to find out how these claims work, why they matter, and what families should know when a fatal bicycle accident shatters their world.

Why New Orleans is uniquely dangerous for cyclists

New Orleans prides itself on being a laid-back, bike-friendly city, yet it consistently ranks among the most dangerous metros for cyclists. Some of the leading factors and causes of fatal bicycle accidents here include:

- **Urban traffic and driver attitudes:** The city's narrow streets, limited bike lanes and heavy tourist traffic leave little room for error. Hostility toward cyclists and impatience in congested areas mean riders are often squeezed out of their lane or forced to navigate around parked cars.
- **High speeds and poor infrastructure:** Fatal crashes often happen on high-speed roadways such as Elysian Fields Avenue and Jefferson Highway, where a speeding car can do catastrophic damage. Potholes, broken pavement and inadequate lighting add to the risk.
- **Distracted or impaired driving:** Talking or texting on a phone, driving while drowsy and driving under the influence all reduce reaction time. The Mardi Gras celebrations see a spike in impaired driving.
- **Opening car doors ("dooring"):** In dense areas like Magazine Street, parked cars line busy corridors. When drivers or passengers open their doors without checking for approaching cyclists, the rider can crash or swerve into traffic.

What is a wrongful death claim?

A wrongful death claim is a civil lawsuit brought when someone's negligence or intentional act causes a death. In Louisiana, Article 2315.2 of the Civil Code states that if a person dies due to the fault of another, certain relatives may sue for the damages they suffer.

Wrongful death actions differ from criminal prosecutions; they seek financial compensation rather than criminal penalties. Through a wrongful death claim, families can recover economic losses such as funeral expenses and lost income as well as non-economic damages like grief and the loss of companionship.

Who can file a wrongful death claim in Louisiana?

The Civil Code sets out a strict order of who is eligible to file. The right first belongs to the decedent's surviving spouse and children. If there is no spouse or children, the right passes to the deceased person's parents. If neither exists, it goes to siblings, and finally to grandparents.

The law treats adopted parents and children the same as biological relatives, and it generally excludes a parent who abandoned the child during their minority. This hierarchy ensures that those most closely connected to the deceased have priority in seeking justice.

How long do I have to file a wrongful death claim after a bicycle accident?

Louisiana's timeframe for bringing a wrongful death claim is among the shortest in the United States. The general rule is that a wrongful death lawsuit must be filed within one year of the death. Article 2315.2 states that the right to sue prescribes (expires) one year from the death or two years from the day the injury or damage is sustained, whichever is longer.

The two-year period may apply in unusual cases where the cause of death is discovered later. Failing to file within the prescriptive period usually bars recovery, so families should speak to an attorney as soon as possible.

What damages can I get for a wrongful death claim?

Compensation in a wrongful death claim aims to make surviving family members whole for the losses they suffer. Recoverable damages commonly include:

- Medical expenses for any treatment the victim received before passing away
- Funeral and burial costs
- Lost wages and benefits the decedent would have earned
- Loss of services and support that the deceased provided to the family, such as household work or childcare
- Loss of companionship, guidance and emotional support. Louisiana recognizes the immense value of emotional bonds and compensates for the psychological impact on spouses, children and parents
- Mental anguish and emotional distress experienced by the survivors

The exact amount varies widely based on the decedent's age, earnings, family relationships and the facts of the crash. Louisiana law doesn't cap damages in wrongful death cases. However, awards must be based on evidence and reasonable calculations.

Wrongful death vs. survival actions

Louisiana also allows a survival action, which is distinct from a wrongful death claim. A survival action continues the personal injury claim the decedent would have had if they had lived. It compensates for the victim's medical bills, lost wages and pain and suffering endured between the accident and death.

The right to file a survival action follows the same order of relatives as wrongful death claims, and it must be brought within one year of the death. In many cases families file both wrongful death and survival claims simultaneously to maximize compensation.

What should I do if I lost a loved one in a bicycle accident?

In the immediate aftermath of a fatal bicycle crash, you might feel overwhelmed. However, the actions taken in those early days can significantly impact a wrongful death claim. First, get a copy of the police report. This report often identifies parties, summarizes witness statements and notes any traffic violations. It may also indicate whether the driver was cited or arrested.

Also, never accept a quick settlement. Insurance adjusters sometimes approach families soon after an accident with low settlement offers. These offers may not cover the full extent of damages. Politely decline to discuss the claim without legal counsel.

Save receipts for funeral expenses, medical bills and any other costs related to the death. Document emotional hardships, lost income and other impacts on the family's daily life. These records support the damages sought.

Once you decide to pursue a wrongful death claim, the process generally involves the following stages:

- **Investigation and evaluation:** Your attorney can review bike accident reports, interview witnesses, consult experts, and calculate economic and non-economic damages.
- **Identifying liable parties:** Beyond the driver, liability may extend to employers, vehicle owners, manufacturers, or government entities responsible for road safety.
- **Settlement negotiations:** An attorney can negotiate with insurance companies for maximum compensation.
- **Filing a lawsuit:** If a settlement agreement can't be reached, an attorney may file a [lawsuit](#) and take your case to trial.

- **Distribution of proceeds:** Compensation is divided among eligible relatives under Louisiana law, with attorney guidance on fairness.

Why work with a local bicycle accident lawyer?

If you've lost a loved one in a bicycle accident, we know that no legal action can ever fill that void. What we can do is stand beside your family and help you pursue justice. [The Law Offices of John S. Williams](#) handles the legal legwork so you can focus on grieving and being with those who matter most.

We also understand the financial stress families face after a tragic loss. That's why we offer free consultations and take cases on a contingency fee basis. You won't owe us anything unless we recover compensation for you. This approach ensures you can access strong legal representation without worrying about upfront costs. Our goal is to secure the resources your family needs for funeral expenses, lost income, and the lasting loss of companionship.

Based in New Orleans, we proudly serve families across Louisiana who are dealing with the devastating aftermath of a fatal bicycle crash. If your family is facing this kind of tragedy, your next step is to [contact us](#) today. We'll listen to your story, explain your legal rights, and guide you through the process with compassion and determination. Let us fight for accountability and justice while you focus on healing.

"John S. Williams is a great attorney! He is very efficient and accessible. His staff is very helpful and makes the process easy. Highly recommend." – Daniel, 