

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Richard Hayek v. Pluto Transport, LLC, et al.

Hayek · No. 24-4302 · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants Plaintiff Richard Hayek’s post-trial motion to mold the jury verdict to include delay damages under Pennsylvania Rule of Civil Procedure 238. The court holds that Defendants’ settlement offers did not comply with the rule’s requirement that an offer expressly remain open for at least ninety days or until trial, and awards \$4,261.64 in delay damages.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 12, 2026
DOCKET	24-4302
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved after a jury verdict to mold the verdict to include delay damages under Pennsylvania Rule of Civil Procedure 238. The court granted the motion and awarded \$4,261.64 in delay damages.
PRECEDENTIAL VALUE	Unknown
PARTIES	Richard Hayek v. Pluto Transport, LLC, Hamraj Singh

TOPICS

- prejudgment interest
- offer of judgment
- damages
- civil procedure

PRACTICE AREAS

- civil procedure
- personal injury
- damages
- settlement and delay damages

QUESTIONS PRESENTED

1. Whether Defendants' settlement offers tolled the accrual of Pennsylvania Rule of Civil Procedure 238 delay damages despite lacking an express provision that the offers would remain open for at least ninety

days or until trial.

2. What amount of Rule 238 delay damages Plaintiff was entitled to recover on the \$100,000 jury verdict.

HOLDINGS

1. A settlement offer does not toll the accrual of Pennsylvania Rule of Civil Procedure 238 delay damages unless it is written, for a specific sum, and expressly states that it will remain open for at least ninety days or until the commencement of trial, whichever occurs first.
2. Plaintiff is entitled to \$4,261.64 in delay damages, calculated at an 8.5 percent applicable rate on the \$100,000 verdict for the 183-day period beginning one year after service and ending on the verdict date.

KEY QUOTATIONS

“The plain language of Rule 238 requires that defendants in civil actions seeking monetary relief for bodily injury, death, or property damage extend a written settlement offer that expressly contains a clause leaving the offer open for ninety days or until trial.”

“This requirement is strictly enforced and “may not be assumed to be intended, extrapolated from outside sources, or inferred if the offer itself is to be considered genuine under the Rule.””

FACTUAL BACKGROUND

The action arose from a motor vehicle collision on September 25, 2023, and Richard Hayek ultimately proceeded to trial on negligence claims against Defendants. Defendants made written settlement offers of \$50,000 and \$70,000 and later made a verbal \$100,000 offer, but none expressly stated that the offer would remain open for at least ninety days or until trial. A jury returned a unanimous verdict on December 4, 2025, finding Defendants jointly and severally liable and awarding Hayek \$100,000 in compensatory damages.

PROCEDURAL HISTORY

Plaintiffs filed a negligence action in the Philadelphia County Court of Common Pleas after a September 25, 2023 motor vehicle collision. Defendants removed the action to the Eastern District of Pennsylvania based on diversity jurisdiction, and the parties later consented to the court's jurisdiction. After Mrs. Hayek's claims resolved, a jury found Defendants jointly and severally liable for Richard Hayek's injuries and awarded him \$100,000 in compensatory damages. The court then considered Hayek's post-trial motion for Rule 238 delay damages.

DISPOSITION

other

CASES CITED

- *Laudenberger v. Port Authority of Allegheny County*, 436 A.2d 147 (1981)
- *Travelers Cas. & Sur. Co. v. Ins. Co. of N. Am.*, 609 F.3d 143, 172-73 (3d Cir. 2010)
- *Sonlin ex rel. Sonlin v. Abington Mem'l Hosp.*, 748 A.2d 213, 216 (2000)

- Arthur v. Kuchar, 682 A.2d 1250 (1996)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-pen/2026/richard-hayek-v-pluto-transport-llc-et-al-upf8nd5d>