



Defendant caused crash by crossing two lanes: plaintiff

Type: Verdict-Plaintiff

Amount: \$150,000

Actual Award: \$140,000

State: Florida

Venue: Hillsborough County

Court: Hillsborough County Circuit Court, 13th, FL

Injury Type(s):

- *back* - herniated disc, lumbar; herniated disc at L5-S1
- *other* - physical therapy

Case Type:

- *Motor Vehicle* - Truck; Lane Change

Case Name: Robert D. Brown v. Joseph Harvey and Dansco Engineering, LLC, No. 08-CA-003875

Date: June 12, 2012

Plaintiff(s):

- Robert D. Brown (Male, 33 Years)

Plaintiff Attorney(s):

- Dominic O. Fariello; Law Firm of Dominic O. Fariello; Tampa FL for Robert D. Brown
- Christopher M. Kavouklis; Brennan, Holden & Kavouklis, P.A.; Tampa FL for Robert D. Brown

Plaintiff Expert(s):

- Daniel Madock D.C.; Chiropractic; Temple Terrace, FL called by: Christopher M. Kavouklis
- Robert Nucci M.D.; Neurology; Tampa, FL called by: Christopher M. Kavouklis

- Defendant(s):**
- Joseph Harvey
 - Dansco Engineering LLC
- Defense Attorney(s):**
- Travis J. McMillen; Adams Adams Baca & McMillen; Orlando, FL for Joseph Harvey, Dansco Engineering LLC
- Defendant Expert(s):**
- Robert Martinez M.D.; Neurology; Tampa, FL called by: for Travis J. McMillen
 - Michael J. Foley M.D.; Radiology; St. Petersburg, FL called by: for Travis J. McMillen
- Insurers:**
- New Hampshire Insurance Co. (AIG)

Facts: On Jan. 5, 2007, plaintiff Robert D. Brown, 33, an automotive/motorcycle painter, was driving his truck on a three-lane road on East 7th Avenue near 50th Street in Tampa when he was involved in a motor vehicle accident. Brown claimed that he was in the far right lane when a truck driven by Joseph Harvey came across from the left and turned in front of him, causing a collision. Brown claimed that he injured his back.

Brown sued Harvey, claiming that he was negligent in the operation of his vehicle. He also sued Dansco Engineering LLC, Harvey's employer and the vehicle's owner. Brown claimed that the company was vicariously responsible for the actions of its employee, who was conducting business on its behalf at the time of the accident.

Harvey claimed that he did not see Brown before turning into his lane.

Injury: Brown visited a hospital a day after the accident complaining of back pain. After following up with his doctor, he claimed that he was diagnosed with a herniated disc at L5-S1. He underwent lumbar percutaneous disc surgery at L5-S1 in September 2007, and underwent physical therapy

Brown claimed that he continues to have back pain. He also claimed limitations in playing sports.

Defense counsel claimed that Brown's injury was pre-existing. He further contended that if Brown sustained an injury in the accident, it was only of a soft-tissue nature and that there was no permanent damage.

Result: The jury rendered a verdict of 100 percent liability against the defendant, determining that Brown's damages totaled \$150,000. The final award was reduced to \$140,000 to adjust for a set-off against PIP benefits that Brown's insurance carrier provided for medical costs.

Robert D. Brown

\$47,000 Personal Injury: Past Medical Cost

\$42,000 Personal Injury: Future Medical Cost

\$13,000 Personal Injury: Past Pain And Suffering

\$48,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: James M. Barton

Demand: \$180,000

Offer: \$50,000

Trial Length: 5 days

**Trial
Deliberations:** 3 hours

**Jury
Composition:** 3 male, female

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

Writer Gary Raynaldo

Car crash caused disc herniations, plaintiff alleged

Type:	Verdict-Plaintiff
Amount:	\$5,000
State:	Florida
Venue:	Orange County
Court:	Orange County County Court, FL
Injury Type(s):	<ul style="list-style-type: none">• <i>back</i> - herniated disc• <i>neck</i> - herniated disc• <i>other</i> - physical therapy; loss of consortium
Case Type:	<ul style="list-style-type: none">• <i>Motor Vehicle</i> - Broadside
Case Name:	Sheri Shelnutt and Steve Shelnutt v. Edgar J. Quinones and Clara L. Quinones, No. 2008-CA-013255-O
Date:	June 25, 2010
Plaintiff(s):	<ul style="list-style-type: none">• Sheri Shelnutt (Female)• Steve Shelnutt (Male)
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Kathleen S. Davies; The Davies Law Firm, L.L.C.; Orlando FL for Sheri Shelnutt, Steve Shelnutt
Defendant(s):	<ul style="list-style-type: none">• Clara L. Quinones• Edgar J. Quinones
Defense Attorney(s):	<ul style="list-style-type: none">• Travis J. McMillen; Adams Adams & Baca; Orlando, FL for Edgar J. Quinones, Clara L. Quinones

Facts: In 2008, plaintiff Sheri Shelnuttt was a passenger in a vehicle driven by her husband. While they were traveling in Orlando, they attempted to cross over the yellow safety line in the middle of the road to turn into a cement pathway and continue driving in the opposite direction. However, as her vehicle began the turn, a vehicle driven by Edgar Quinones attempted to pass them on the left. As a result, Quinones broadsided Shelnuttt's vehicle. Shelnuttt claimed injuries to her spine.

Shelnuttt sued Quinones, and the owner of his vehicle, Clara Quinones. She alleged that Mr. Quinones was negligent in the operation of his vehicle and that Ms. Quinones was vicariously liable for the driver's actions.

Shelnuttt claimed that Mr. Quinones should have seen her vehicle beginning the turn and been able to avoid it. She also claimed that Quinones was negligent for attempting to pass her vehicle when it was unsafe to do so.

The defendants denied liability. Quinones claimed Shelnuttt's husband was liable for the accident by attempting to make an unsafe turn in front of his vehicle.

Injury: Shelnuttt claimed she sustained multiple herniated discs, for which she underwent several minimally invasive outpatient procedures. She claimed she would need further treatment.

Thus, Shelnuttt sought recovery of between \$200,000 and \$300,000 for medical expenses and lost earnings, in addition to damages for her pain and suffering. Her husband sought recovery of damages for property damage to his car, as well as for loss of consortium.

Defense counsel argued that Shelnuttt had a long standing history of neck and back problems, and that any injury was not related to the accident but rather, the result of a degenerative condition.

Result: The jury found for the plaintiff and awarded \$5,000.

Trial Information:

Judge: Robert M. Evans

Editor's Comment: This report is based on information that was provided by the defense counsel. The plaintiff's counsel did not respond to the reporter's phone calls.

Writer: Kristen Brown

Plaintiff claimed three neck herniations in rear-ender

Type: Verdict-Plaintiff

Amount: \$4,700

Actual Award: \$1,338

State: Florida

Venue: Osceola County

Court: Osceola County Circuit Court, 9th, FL

Injury Type(s):

- *neck* - fusion, cervical; herniated disc, cervical
- *other* - epidural injections

Case Type:

- *Motor Vehicle* - Truck; Rear-ender

Case Name: Angela S. Bezold v. Anil K. Trucking, Inc. a Florida profit corporation and Dhanraj Khemraj, No. 2007 CA 005398

Date: May 21, 2009

Plaintiff(s):

- Angela S. Bezold (Female, 47 Years)

Plaintiff Attorney(s):

- Bruce A. Gibson III; Wooten, Kimbrough, Gibson, Doherty & Normand, PA; Orlando FL for Angela S. Bezold
- Michael J. Damaso II; Wooten, Kimbrough, Gibson, Doherty & Normand, PA; Orlando FL for Angela S. Bezold

Defendant(s):

- Dhanraj Khemraj
- Anil K. Trucking, Inc.

Defense Attorney(s):

- Travis J. McMillen; Adams Adams & Baca; Orlando, FL for Anil K. Trucking, Inc., Dhanraj Khemraj

**Defendant
Expert(s):**

- Paul Koenigsburg M.D.; Radiology; Miami, FL called by: for Travis J. McMillen
- Donald Pearson M.D.; Orthopedics; Orlando, FL called by: for Travis J. McMillen

Facts:

In 2006, plaintiff Angela Bezold, 47, was stopped at a red light in Osceola County behind the wheel of her minivan when she was rear-ended by a dump truck driven by Dhanraj Khemraj and owned by Anil K. Trucking.

Bezold sued Anil K. Trucking and Khemraj for vehicular negligence.

The defendants admitted liability, and the case proceeded on damages.

Injury:

The plaintiff was treated by EMTs and at the emergency room. She claimed that she suffered three herniated cervical discs. She initially underwent conservative care including epidural injections and physical therapy. In 2008, she underwent cervical fusion surgery. The plaintiff claimed that she will need continued conservative care throughout her lifetime.

The plaintiff claimed that she missed about two months of work from her job as a secretary employed by the government. The plaintiff sought about \$166,000 past medical costs.

Defense counsel contended that the plaintiff suffered a singular herniation. This herniation was surrounded by evidence of degenerative changes. The degenerative changes surrounding the herniation could mean that the herniation was not caused by any trauma, argued defense counsel.

Defense counsel also pointed to deposition testimony in which the plaintiff stated that her neck had hurt prior to the accident.

Result:

The jury awarded \$4,700, which was reduced to \$1,338.33 because of collateral source setoffs.

Trial Information:

Judge:

John Marshall Kest

Trial Length:

4 days

**Trial
Deliberations:**

3.5 hours

Jury Vote:

6-0

Post Trial:

The parties have reached an undisclosed settlement.

**Editor's
Comment:**

This report is based on information provided by plaintiff's and defense counsel.

Writer

Stephen DiPerte