



Rear-ender with cement truck resulted in cervical herniation

Type: Verdict-Plaintiff

Amount: \$261,000

State: Florida

Venue: Palm Beach County

Court: Palm Beach County Circuit Court, 15th, FL

Injury Type(s):

- *neck* - fusion, cervical; herniated disc, cervical; herniated disc at C5-6
- *other* - epidural injections; percutaneous discectomy

Case Type:

- *Motor Vehicle* - Truck; Red Light; Rear-ender

Case Name: John Baze v. Tarmac America, LLC, No. 50 2007 CA001769

Date: July 17, 2008

Plaintiff(s):

- John Baze (Male, 40 Years)

Plaintiff Attorney(s):

- John Getz; Feldman & Getz, LLP; Boca Raton FL for John Baze

Defendant(s):

- Jason Wynn
- Tarmac America, LLC

Defense Attorney(s):

- Marni Rogalsky; Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A.; West Palm Beach, FL for Tarmac America, LLC, Jason Wynn
- John A. Lurvey; Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A.; West Palm Beach, FL for Tarmac America, LLC, Jason Wynn

**Defendant
Expert(s):**

- Jordan Grable M.D; Neurosurgery; West Palm Beach, FL called by: for Marni Rogalsky, John A. Lurvey

Facts:

On Jan. 31, 2006, plaintiff John Baze, 40s, a furniture mover, was stopped at a red light when the boxed-shape moving truck he was driving was rear-ended by a cement truck driven by Jason Wynn and owned by Tarmac America. He claimed a cervical herniation.

Baze sued Tarmac America and Wynn for his vehicular negligence.

The defendants admitted liability this the case was tried on damages only.

Injury:

Baze sustained a herniated disc at C5-6. He went to the hospital later in the day of the accident. He underwent cervical epidural injection therapy, followed by a four-level cervical percutaneous discectomy. Failing to obtain relief, the plaintiff then underwent a three-level fusion. He experienced surgical complications and was in intensive care for three days.

Baze stated that he can no longer lift furniture, so now he is a driver for the furniture company. Baze most likely won't need future surgery, but will require increased medical monitoring. He claimed that his injuries have given him daily pain.

Defense expert orthopedist Jordan Grable posited that the injuries were degenerative and caused by Baze's 15 years as a furniture mover.

Result:

The jury awarded Baze \$261,000 in damages.

John Baze

\$100,000 Personal Injury: Past Medical Cost

\$50,000 Personal Injury: Future Medical Cost

\$7,500 Personal Injury: Past Lost Earnings Capability

\$3,500 Personal Injury: FutureLostEarningsCapability

\$50,000 Personal Injury: Past Pain And Suffering

\$50,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge:

David E. French

Trial Length: 4 days

**Trial
Deliberations:** 3 hours

Jury Vote: 6-0

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

Writer Stephen DiPerte