FLORIDA

Jury Verdict Reporter

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INFORMATION SHEET
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County: _____

Name Of Case: _____

_____

Docket No: _____ **Judge:** _____

Plaintiff(s) Attorney(s) (full names, firm and city): _____

_____

Defendant(s) Attorney(s) (full names, firm and city): _____

_____

Age/Sex/Occupation Of Plaintiff (or injured party): _____

Cause Of Injury (please specify facts and causes of action): _____

_____

_____

_____

_____

Nature Of Injury (include expert witness testimony): _____

_____

_____

Expert Witnesses (include full name, degree, specialty and city): _____

For The Plaintiff:

_____

_____

For The Defendant:

_____

_____

Amount Of Verdict/Settlement (give breakdown for each Defendant to each Plaintiff; if reduced by comparative negligence, state the percentages):

_____

_____

_____

Check Appropriate Box: ❑ Verdict ❑ Settlement

Date Of Verdict/Settlement: _____

Judgment: _____

Additur/Remittitur: _____

Attorney's Comments: _____

_____

Case Summaries

ALACHUA COUNTY

(1) JAMES M. BROOKS vs. LUIS R. DIAZ and TRADEMARK METALS RECYCLING, LLC (Circuit Court of Alachua County, 8th Judicial Circuit, Florida)

County/Docket #/Judge: Alachua / 2023-CA-004266 / Donna M. Keim

Plaintiff(s) Attorney(s): Benjamin J. Steinberg and Jacob B. Barrow of Morgan & Morgan, PLLC, Gainesville, FL

Defendant(s) Attorney(s): Natalia B. Silver and Trevor Rhodes of Banker Lopez, et al., Tampa, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Collision With Stopped Tractor-Trailer/Comparative Negligence***. On Oct. 11, 2023, plaintiff James M. Brooks filed a complaint against defendants Luis R. Diaz and Trademark Metals Recycling, LLC. Plaintiff alleged that on Feb. 22, 2023, he and Diaz were both driving north on U.S. 301 in Alachua County, FL, when Diaz, who was driving a tractor-trailer owned by Trademark Metals, stopped his vehicle without fully positioning it off the road. Diaz also did not alert traffic to the stopped vehicle, such as through flares or flags. As a result, plaintiff crashed into the tractor-trailer and injured himself. Plaintiff brought a claim for negligence against Diaz and a claim for vicarious liability against Trademark Metals. Defendants denied negligence and contended that plaintiff was himself negligent.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Chris Stewart, P.E., Accident Reconstruction, Orlando, FL
Armen Deukmedjian, M.D., Life Care Planning, Wesley Chapel, FL
Mark Frisk, M.D., Radiology, Jacksonville, FL

Defendant's:
Steven Bailey, M.D., Neurosurgery, Gainesville, FL
Geoffrey A. Negin, Radiology, Fort Myers, FL
Alex Kailing, Accident Reconstruction, Palm City, FL
Lew Grill, Trucking, Billings, MT

Verdict: ***$2,279,163.12 for Plaintiff on June 5, 2025*** *($254,163.12 – past medical expenses; $400,000 – future medical expenses; $125,000 – past pain and suffering; $1,500,000 – future pain and suffering).*

Editor's Note: The jury found Diaz 40% negligent and plaintiff 60% negligent. ■

(2) IESHA STEPHENS, as Natural Guardian and Mother of E.R., a Minor Child, and IESHA STEPHENS, as Natural Guardian and Mother of K.R., a Minor Child, vs. LYFE LOFTS LLC, SKYWOOD LOFTS LLC, SKYWOOD LOFTS YAZ LLC, et al. (Circuit Court of Alachua County, 8th Judicial Circuit, Florida)

County/Docket #/Judge: Alachua / 2023-CA 001368 / James Nilon

Plaintiff(s) Attorney(s): Landon D. Stinson of Beacon Legal PLLC, Gainesville, FL; Zachary West of West Law Firm, Gainesville, FL

Defendant(s) Attorney(s): n/a

Age/Sex/Occupation Of Plaintiff: E.R.: 8 / F / n/a; K.R.: 11 / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Toxic Mold Infestation in Apartment/Injury to Minors***. On March 21, 2023, plaintiff Iesha Stephens filed a premises liability complaint on behalf of her minor children, E.R., and K.R., against defendants, Lyfe Lofts LLC, Skywood Lofts LLC, Skywood Lofts YAZ LLC, and associated corporate entities. Defendants were the owners, operators, and managers of the apartment complex known as "The Lofts" located at 3020 SW Archer Road in Gainesville, FL, where plaintiffs resided. Plaintiffs alleged that defendants failed

to maintain plaintiffs' apartment in a habitable and safe condition as required by Florida law because defendants failed to fix persistent water intrusion in the ceiling of the apartment, which resulted in a toxic mold infestation. Plaintiffs further alleged that E.R. and K.R. suffered severe injuries as a result of the toxic mold, including respiratory issues and allergic reactions. Plaintiffs claimed the toxic mold had existed for a significant period of time and was known to defendants, but defendants failed to take reasonable action to address the hazardous condition. A default judgment was entered against defendants for failing to file a response to the complaint. A jury trial was held on the issue of damages.

Nature Of Injury: Personal injuries including respiratory issues and allergic reactions.

Expert Witnesses: n/a

Verdict: ***$7,500,000 for Plaintiffs on April 8, 2025*** *($3,400,000 – E.R.; $4,100,000 – K.R.)*.

Judgment: $7,500,000 for Plaintiffs on April 10, 2025.

Editor's Note: Writs of execution were issued against defendants on May 8, 2025. ■

BREVARD COUNTY

(3) EDITH BRITT vs. FLORIDA WHOLESALE FUNDING, INC. (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Brevard / 2021-CA-011885 / David Dugan

Plaintiff(s) Attorney(s): Alicia M. Smith, Adrienn Toth, Alexander Clem of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Michael J. Bradford of Marshall Dennehey, et al., Tampa, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Comparative Negligence/Slip and Fall on Apartment Stairs***. On Jan. 12, 2021, plaintiff Edith Britt filed a complaint against defendant Florida Wholesale Funding, Inc. She alleged that defendant owned an eight-unit apartment building at 116 South Grannis Avenue in Titusville, FL. On Sept. 12, 2020, plaintiff, whose daughter and grandson lived in the building, went there to pick up her grandson for the day. After leaving her daughter's apartment with her grandson, plaintiff began walking down the exterior stairs. She slipped and fell on the fourth step, which was wet and slippery from algae and from a semitransparent stain that had been put on the step in 2015. As a result, plaintiff fractured her right ankle, which required surgery. Plaintiff alleged that defendant was negligent in failing to maintain the steps in a reasonably safe condition. Defendant denied negligence and contended that plaintiff was herself negligent.

Nature Of Injury: Fractured right ankle; pain and suffering.

Expert Witnesses:

Plaintiff's:
Santo Steven BiFulco, M.D., Life Care Planning, Tampa, FL

Defendant's:
n/a

Verdict: ***$195,242.95 for Plaintiff on July 22, 2022*** *($75,242.95 – past medical expenses; $20,000 – future medical expenses; $50,000 – past pain and suffering; $50,000 – future pain and suffering)*.

Editor's Note: The jury found plaintiff 70% negligent and defendant 30% negligent. On Aug. 5, 2022, plaintiff filed a motion for new trial, which the court denied on March 29, 2023. On May 16, 2024, the parties filed a notice of settlement, pursuant to which plaintiff filed a notice of voluntary dismissal with prejudice on Aug. 28, 2024. ■

(4) RANDALL LUM and TAMALLA LUM vs. TAMMY JESTER JOHNSON and DONNIE LEE JOHNSON (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Brevard / 2018-CA-032917 / Scott Blaue

Plaintiff(s) Attorney(s): Derrick Connell and Grant Gillenwater of Morgan & Morgan, P.A., Melbourne, FL

Defendant(s) Attorney(s): Jason L. Scarberry and Joseph Clancy of McFarlane Law, Coral Springs, FL

Age/Sex/Occupation Of Plaintiff: Randall Lum: n/a / M / n/a; Tamalla Lum: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision***. On June 18, 2018, plaintiffs Randall Lum and

Tamalla Lum, a married couple, filed a complaint for negligence against defendants Tammy Jester Johnson and Donnie Lee Johnson. Plaintiffs alleged that on Sept. 30, 2015, Tammy Johnson, who was operating a motor vehicle she co-owned with Donnie Johnson, rear-ended a motor vehicle being operated by Randall Lum in which Tamalla Lum was a front-seat passenger, injuring both plaintiffs. The collision occurred on Malabar Road near its intersection with Eldron Boulevard SE in Palm Bay, FL. Defendants admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Santo Steven BiFulco, M.D., Physical Medicine and Rehabilitation, Tampa, FL
Brian Garra, M.D., Radiology, Clermont, FL

Defendant's:
Brian S. Ziegler, M.D., Orthopedics, Rockledge, FL
Geoffrey Negin, M.D., Radiology, Fort Myers, FL
Robert C. McElroy, Ph.D., Accident Reconstruction, Lady Lake, FL

Verdict: ***$2,154,788.35 for Plaintiffs on Sept. 13, 2024*** *($147,111.16 – past medical expenses of Randall Lum; $167,000 – future medical expenses of Randall Lum; $790,400 – past pain and suffering of Randall Lum; $1,040,000 – future pain and suffering of Randall Lum; $10,277.19 – past medical expenses of Tamalla Lum; $0 – future medical expenses of Tamalla Lum)*.

Judgment: $2,154,788.35 for Plaintiffs on Oct. 16, 2024 ($2,144,511.16 – Randall Lum; $10,277.19 – Tamalla Lum).

Editor's Note: The jury found that Tamalla Lum did not sustain a permanent injury. The court retained jurisdiction to determine any claim for attorney fees, costs, and setoffs. It stated that the final judgment would be amended once such claims were determined. ■

(5) PETER WABUDA vs. JOSEPH S. GREENLEES, INC. d/b/a Shady Oaks Lounge & Package and SHADY OAKS PLAZA LLC (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

and

ROBERT CHOMICZEWSKI vs. JOSEPH S. GREENLEES, INC. d/b/a Shady Oaks Lounge & Package and SHADY OAKS PLAZA LLC (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Brevard / 2020-CA-011335 (Wabuda); 2020-CA-042449 (Chomiczewski) / Samuel Bookhardt III

Plaintiff(s) Attorney(s): Derrick R. Connell, Ryan Christopher Rodems, Edward C. Combs, Jr., and Varun Ramnarine of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Gregory J. Prusak of Kubicki Draper, Orlando, FL, for Joseph S. Greenlees, Inc., d/b/a Shady Oaks Lounge; Oscar R. Draughn and Michael C. Tyson of Wicker Smith, Orlando, FL, for Shady Oaks Plaza LLC

Age/Sex/Occupation Of Plaintiff: Peter Wabuda: n/a / M / n/a; Robert Chomiczewski: n/a / M / n/a

Cause Of Injury: ***Negligence/Premises Liability/Criminal Activity/Customers Injured in Confrontation at Bar***. On Feb. 5, 2021, plaintiff Peter Wabuda filed an amended complaint against defendants Joseph S. Greenlees, Inc. (spelled in some filings as "Greenless"), d/b/a Shady Oaks Lounge & Package, and Shady Oaks Plaza LLC. Wabuda alleged that on May 18, 2019, he and plaintiff Robert Chomiczewski were lawfully inside the Shady Oaks Lounge, which was located in the Shady Oaks Plaza shopping center at 6050 Babcock Street SE in Palm Bay, FL. There, Wabuda was grabbed, punched, and stabbed in the stomach by a group of men who he believed were members of the Warlocks Motorcycle Club. The altercation began in the lounge and continued into the shopping plaza parking lot. Wabuda contended that defendants were negligent in not providing adequate security. On Jan. 4, 2021, Chomiczewski, in a separate action, filed an amended complaint against the same defendants. He also alleged that he was attacked by a group of men in the Shady Oaks Lounge and sustained personal injuries. Defendants denied negligence and contended that both plaintiffs were negligent.

On July 20, 2021, the two cases were consolidated for discovery. On Oct. 18, 2023, the court ordered that they were to be consolidated for trial.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
George Kirkham, Ph.D., Criminology, Palm Beach Gardens, FL

Defendant's:
William R. Sawyer, Ph.D., Toxicology, Sanibel, FL

Verdict: ***For Defendants on April 12, 2025***.

Judgment: For Defendants on April 15, 2025.

Editor's Note: The jury found that there was no negligence on the part of either defendant that was a legal cause of loss, injury, or damage to plaintiffs. On April 18, 2025, Wabuda filed a motion for new trial in which he argued that he was prejudiced by the consolidation of the two cases, especially in light of evidence that Chomiczewski was the initial aggressor in the confrontation and had previous affiliations with motorcycle clubs. ■

(6) CHRISTOPHER WHITE vs. LELAND MANAGEMENT SERVICES, LLC and CITY OF MELBOURNE (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Brevard / 2019-CA-050862 / Samuel Bookhardt III

Plaintiff(s) Attorney(s): Susan M. Payne and Jared Lee of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): G. Clay Morris and Filipa Andreia Bento of Dean, Ringers, et al., Orlando, FL, for City of Melbourne

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Premises Liability/Runner Trips and Falls on Water Meter Box Cover***. On Dec. 6, 2022, plaintiff Christopher White filed a fourth amended complaint against defendants Leland Management Services, LLC, and City of Melbourne. He alleged that on Oct. 8, 2018, he was running on a sidewalk on Revolution Street in Melbourne, FL. The sidewalk was located in The Villas of Lake Washington, managed by Leland Management. A water meter box with a cover was just adjacent to the sidewalk. As plaintiff tried to avoid an improperly parked motor vehicle, he stepped off the sidewalk and onto the water meter box cover and fell, injuring himself. Plaintiff alleged that both defendants were negligent. On Feb. 20, 2024, plaintiff voluntarily dismissed Leland Management with prejudice. The remaining defendant, City of Melbourne, denied ownership of the meter box and any knowledge of any dangerous condition involving the meter box. It also alleged that plaintiff was himself negligent.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses: n/a

Verdict: ***For Defendant on April 30, 2025***.

Judgment: For Defendant on May 5, 2025.

Editor's Note: The jury found that the city owned no duty to plaintiff to maintain the meter box in a reasonably safe condition. ■

(7) LAZARUS WRIGHT vs. WAL-MART STORES EAST, LP and JANNETA WILKS (Circuit Court of Brevard County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Brevard / 2021-CA-047028 / Curt Jacobus

Plaintiff(s) Attorney(s): Richard A. Lavery, Derrick R. Connell, and Yalkin Gencel of Morgan & Morgan, P.A., Titusville, FL

Defendant(s) Attorney(s): Andrew S. Bolin and Trina Hearn of Bolin Law Group, Tampa, FL for Wal-Mart Stores East, LP

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Premises Liability/Slip and Fall in Meat Department***. On Oct. 3, 2021, plaintiff Lazarus Wright filed a complaint against defendants Wal-Mart Stores East, LP, and Jannetta Wilks. Plaintiff alleged that on June 20, 2021, he was at Wal-Mart's store located at 1500 E. Merritt Island Causeway in Merritt Island, FL, which was managed by Wilks. While plaintiff was walking through the meat department, he slipped and fell on a liquid substance. As a result, he was injured. Plaintiff alleged that defendants were negligent in allowing this dangerous condition to exist and in not warning plaintiff of it. He voluntarily dismissed Wilks with prejudice on Aug. 1, 2023. Wal-Mart, the remaining defendant, admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
George El-Bahri, D.O., Life Care Planning, Tampa, FL

Defendant's:
Joseph Kleinman, M.D., Radiology, Boca Raton, FL

Verdict: ***$2,387,906.54 for Plaintiff on Oct. 24, 2023*** *($60,686.54 – past medical expenses; $797,220 – future medical expenses; $130,000 – past pain and suffering; $1,400,000 – future pain and suffering).*

Editor's Note: Plaintiff filed a motion for final judgment on Oct. 26, 2023. On Jan. 23, 2025, the court, having ordered plaintiff to advance the cause, dismissed the case without prejudice on the ground that good cause had not been shown as to why the case should remain pending and/or that no written response had been filed. ■

CLAY COUNTY

(8) KIMBERLY TYSON and ANTOINETTE TYSON vs. MARISSA FIOLA and BRADLEY RAE (Circuit Court of Clay County, 4th Judicial Circuit, Florida)

County/Docket #/Judge: Clay / 2019-CA-001088 / Don H. Lester

Plaintiff(s) Attorney(s): Rebecca Cozart of Ronald E. Sholes, P.A., Orange Park, FL

Defendant(s) Attorney(s): Christopher D. Walsh, Patrick J. Snyder, and Alexandra A. Dabek of Cole, Scott, et al., P.A., Jacksonville, FL

Age/Sex/Occupation Of Plaintiff: Kimberly Tyson: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Liability and Causation of Damages***. Plaintiff Kimberly Tyson alleged that on Sept. 13, 2017, defendant Marissa Fiola negligently operated a motor vehicle owned by defendant Bradley Rae and caused a collision with a motor vehicle in which plaintiff was a passenger that was being operated by her wife, Antoinette Tyson, near the intersection of Shade Tree Drive and Summit Ridge Road in Clay County, FL. Plaintiff claimed that she suffered permanent injuries in the collision, including an aggravation to her neck and back and a traumatic brain injury. On Sept. 26, 2019, plaintiff filed a complaint for negligence against Fiola and for vicarious liability against Rae. Antoinette Tyson asserted a loss of consortium claim but later dismissed it. Defendants denied that they were negligent. They claimed that plaintiff was herself negligent by not properly wearing her seatbelt at the time of the collision and that Antoinette Tyson was negligent in the operation of her vehicle. Defendants also denied the extent of injuries and the damages claimed by plaintiff.

Nature Of Injury: Personal injuries including neck, back, and traumatic brain injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Mark Frisk, M.D., Radiology, Jacksonville Beach, FL
Richard Boehme, M.D., Ph.D., Biomedical Engineering, Jacksonville, FL
Shane M. Remy, P.E., Accident Reconstruction, Tallahassee, FL
Gil Spruance, Life Care Planning, Jacksonville, FL

Defendant's:
Kenneth B. Hawthorne, Jr., M.D., P.A., Orthopedic Surgery, Ormond Beach, FL
Michael John Herkov, Ph.D., Neuropsychology, Gainesville, FL

Verdict: ***$40,000 for Plaintiff on June 6, 2025*** *(past medical expenses).*

Editor's Note: The jury found Fiola 50% negligent and plaintiff 50% negligent. The jury awarded plaintiff no future medical expenses and found that she had not suffered a permanent injury. On June 20, 2025, plaintiff filed a motion for new trial and motion for additur. Plaintiff claimed, among other things, that the "seatbelt defense" should not have been considered by the jury, that the verdict was inadequate considering that plaintiff had suffered a permanent traumatic brain injury, and that the trial court improperly allowed the issue of plaintiff's sexual orientation to be addressed in the case, even though it was not only irrelevant but highly prejudicial. ■

DUVAL COUNTY

(9) MONIQUE BEHR, as Personal Representative of the ESTATE OF NELL MARIE BEHR and on Behalf of Survivors Monique Behr and John Behr vs. RAMON GERARDO CERDA (Circuit Court of Duval County, 4th Judicial Circuit, Florida)

County/Docket #/Judge: Duval / 2023-CA-001097 / Bruce R. Anderson

Plaintiff(s) Attorney(s): Aaron P. Davis, Michael Bild, and Laura Arango of Davis Goldman, PLLC, Miami, FL; Thomas Scolaro of Scolaro Law, P.A., Miami, FL

Defendant(s) Attorney(s): Daniel A. Shapiro of Cole, Scott, et al., P.A., Tampa, FL; Gregory J. Willis of Cole, Scott, et al., P.A., Plantation, FL; Victoria M. Merritt of Cole, Scott, et al., P.A., Jacksonville, FL

Age/Sex/Occupation Of Plaintiff: Nell Marie Behr (decedent): 21 / F / n/a; Monique Behr: 65 / M / n/a; John Behr: 80 / M / n/a

Cause Of Injury: ***Wrongful Death/Motor Vehicle Collision/Wrong-Way Drunk Driver Crashes Head-On Into Other Car on Interstate***. On Jan. 7, 2025, plaintiff Monique Behr, as personal representative of the estate of Nell Marie Behr ("the decedent") and on behalf of the decedent's survivors, Monique Behr and John Behr, filed a third amended complaint against defendant Ramon Gerardo Cerda as well as against other defendants who were subsequently dismissed. Plaintiff alleged that on the night of Jan. 13-14, 2023, Cerda, a resident of Texas, drank alcohol at Whiskey Jax Kitchen & Cocktails with coworkers in Jacksonville, FL, and became intoxicated. After leaving the bar, defendant began driving south in the northbound lanes of I-295. At about 1:07 a.m., his vehicle crashed head-on into the decedent's vehicle, injuring the decedent, who then died from her injuries on Jan. 15, 2023. The decedent was survived by her parents, Monique Behr and John Behr. Defendant admitted to fault but contested the amount of compensatory and punitive damages. The trial was bifurcated between compensatory and punitive damages.

Nature Of Injury: Death.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Alexander Rey, Forensic Auditing, Jacksonville, FL

Verdict: ***$12,847,938.93 for Plaintiff on June 4, 2025, and June 11, 2025*** *($313,301 – past medical expenses; $34,636.93 – funeral expenses; $2,500,000 – past pain and suffering sustained by Monique Behr; $2,500,000 – future pain and suffering sustained by Monique Behr; $2,500,000 – past pain and suffering sustained by John Behr; $2,500,000 – future pain and suffering sustained by John Behr; $2,500,001 – punitive damages)*.

Editor's Note: On June 19, 2025, defendant filed a motion for new trials in both phases, a remittitur in phase 2, or judgment in accordance with his motion for directed verdict in phase 2. Defendant also filed a motion for collateral source setoff on June 17, 2025.

According to a press release dated April 29, 2024, and posted on the website of the Office of the State Attorney for the 4th Judicial Circuit, defendant pleaded guilty to DUI manslaughter and reckless driving causing damage to property on Jan. 12, 2024. In April 2024, he was sentenced to 12 years in prison. ■

(10) HAJRUDIN MESIC vs. MILDRE ROXANA FLOREZ PERNIA and AUTO-OWNERS INSURANCE COMPANY (Circuit Court of Duval County, 4th Judicial Circuit, Florida)

County/Docket #/Judge: Duval / 2023-CA-002117 / Waddell A. Wallace

Plaintiff(s) Attorney(s): Billie J. Taylor, David R. Black, and Nicole A. Coutu of Harrell & Harrell, P.A., Jacksonville, FL

Defendant(s) Attorney(s): Brian M. Gutter and Michael P. Regan, Jr., of O'Hara Law Firm, Jacksonville, FL, for Auto-Owners Insurance Company

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Uninsured/Underinsured Motorist Benefits***. On March 17, 2023, plaintiff Hajrudin Mesic filed a complaint against defendants Mildre Roxana Florez Pernia and Auto-Owners Insurance Company. Plaintiff alleged that on Nov. 30, 2022, he was driving west in the inside travel lane of State Road 126 (Emerson Street) near the entrance ramp for I-95 northbound. When Pernia, driving a 2014 Hyundai Santa Fe east on State Road 126, tried to make a left turn onto the entrance ramp, she failed to yield to oncoming traffic and collided with plaintiff's vehicle. As a result, plaintiff was injured. He brought a claim for negligence against Pernia and a claim for uninsured/underinsured motorist benefits against Auto-Owners, his insurer. On Jan. 8, 2024, plaintiff voluntarily dismissed his claim against Pernia with prejudice. Auto-Owners, the remaining defendant, agreed that Pernia was negligent but disputed damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Chad Bryan, Life Care Planning, Clearwater, FL

Defendant's:
Eric Gabriel, M.D., Neurosurgery, Jacksonville, FL
David Turetsky, M.D., Radiology, Jacksonville, FL
Ira Fox, M.D., Pain Management, Tamarac, FL

Verdict: ***$469,325 for Plaintiff on May 9, 2025*** *($82,825 – past medical expenses; $287,616.50 – future medical*

expenses; $36,500 – past pain and suffering; $62,383.50 – future pain and suffering).

Editor's Note: On May 23, 2025, defendant filed a renewed motion for directed verdict and/or for remittitur. ■

HILLSBOROUGH COUNTY

(11) U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION vs. THE PRINCESS MARTHA, LLC, TJM PROPERTIES, INC., and TJM PROPERTY MANAGEMENT, INC. (United States District Court for the Middle District of Florida, Tampa Division)

County/Docket #/Judge: Hillsborough / 8:22-cv-02182 / Charlene Edwards Honeywell

Plaintiff(s) Attorney(s): Lucas B. Michelen and Jennifer Rex of the U.S. Equal Employment Opportunity Commission, Tampa Field Office, Tampa, FL

Defendant(s) Attorney(s): Brett P. Owens and Elysse Gorney of Fisher & Phillips LLP, Tampa, FL

Age/Sex/Occupation Of Plaintiff: Sarah Branyan (charging party): n/a / F / n/a

Cause Of Injury: ***Labor and Employment/Civil Rights/Disability Discrimination/Job Applicant Taking Prescription Drugs for PTSD Claims That Employer Failed to Accommodate Her With Regard to Drug Test***. On May 16, 2023, plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") filed an amended complaint against defendants The Princess Martha, LLC, TJM Properties, Inc., and TJM Property Management, Inc., alleging violations of the Americans With Disabilities Act ("ADA"). Plaintiff alleged that defendants operated the Princess Martha, a senior living residence in St. Petersburg, FL. On Aug. 16, 2021, the charging party, Sarah Branyan, applied for the position of Activities Coordinator. Branyan was a veteran who suffered from chronic post-traumatic stress disorder ("PTSD"), which she managed with prescription medications. On Aug. 18, 2021, Branyan went for an interview with Brittany Knight, the activities director. She was offered the position, conditioned upon a background check and drug test. Branyan told Knight that she was a veteran with PTSD and that because of the prescription medications she took, she would fail a drug test. Knight told her that this would not be an issue and that the testing facility, BayCare, would have copies of Branyan's prescriptions. She also said that the position did not include any tasks that would be affected by the medications. Branyan successfully completed the background check during the interview. On Aug. 19, 2021, Branyan went to the drug testing facility to submit a urine sample. She offered to provide proof of her prescriptions but was told it was unnecessary because she would be called to verify any foreign substances. Branyan called Knight to follow up on Aug. 24, 2021, as she had not heard anything regarding her status. Knight told Branyan that human resources should have called her. She transferred Branyan to the voicemail of Andrea Von Blomberg, the human resources director. Branyan left a message reiterating her statements about her medications. Von Blomberg did not respond to the message. On Aug. 26, 2021, defendants rescinded the offer of employment. No one had ever discussed Branyan's drug test results. Plaintiff alleged that defendants had failed to provide Branyan with a reasonable accommodation for her disability by allowing her to verify that her legally prescribed medication explained the non-negative drug test result. It brought claims for failure to hire based on disability and failure to accommodate. Plaintiffs sought damages and injunctive relief.

Defendants denied the allegations. They contended that the drug test showed up as incomplete and that defendants tried to follow up with Branyan but did not hear back from her. After Branyan left her voicemail message for Von Blomberg, defendants called her on Aug. 25, 2021, and left a voicemail message. Branyan checked her voicemail but did not return the phone call. Because defendants did not receive a final verification from the lab as of Aug. 26, 2021, they determined that Branyan was no longer interested in the position. On Nov. 30, 2021, defendants contacted BayCare Urgent Care about Branyan's drug screen. They found that a drug screening was conducted on Aug. 19, 2021, but the specimen was lost in transit. Defendants also contended that Branyan never mentioned a disability or requested a controversy. They also argued that TJM Properties and TJM Management were not integrated enterprises with The Princess Martha and that TJM Management was not a prospective joint employer with The Princess Martha.

Nature Of Injury: Lost wages and benefits; emotional distress.

Expert Witnesses: n/a

Verdict: ***$405,083 for Plaintiff on April 25, 2025*** *($5,083 – net loss of wages and benefits; $50,000 – emotional pain and mental anguish; $350,000 – punitive damages)*.

Judgment: $405,083 for Plaintiff on April 25, 2025.

Editor's Note: The jury found that TJM Management and The Princess Martha were prospective joint employers and that The Princess Martha, TJM Management, and TJM Properties were an integrated enterprise. On May 22,

2025, defendants filed a motion for new trial. The next day, plaintiff filed a motion for injunctive relief in which it requested that the court amend the judgment to provide for injunctive relief in order to ensure that unlawful disability discrimination in hiring did not recur at defendants' facilities. ■

LAKE COUNTY

(12) RAIESHA ANDERSON and KAROLYN COOPER vs. FERNANDO ALVARADO (Circuit Court of Lake County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Lake / 2020-CA-001420 / Dan R. Mosley

Plaintiff(s) Attorney(s): Logan J. Young and Richard Dellinger of Dan Newlin Injury Attorneys, Orlando, FL

Defendant(s) Attorney(s): David A. Corso and Walter A. Ketcham, Jr., of Fisher Rushmer, P.A., Orlando, FL

Age/Sex/Occupation Of Plaintiff: Raiesha Anderson: n/a / F / n/a; Karolyn Cooper: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision at Toll Plaza***. On Sept. 3, 2020, plaintiffs Raiesha Anderson and Karolyn Cooper filed a complaint against defendant Fernando Alvarado. They alleged that on Oct. 21, 2019, their motor vehicle, driven by Anderson, stopped at about 15 feet south of the Leesburg Toll Plaza on northbound State Road 91 (Florida's Turnpike). Defendant's motor vehicle then struck the rear of plaintiffs' vehicle. As a result, plaintiffs sustained personal injuries, including cognitive and neurologic injuries. Plaintiffs brought negligence claims against defendant. Defendant admitted negligence but disputed causation and damages. He stated that his pickup truck rear-ended plaintiffs' SUV at the toll plaza.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Robert Cohen, Psy.D., Neuropsychology, Longwood, FL
Stephen Eisenschenk, M.D., Neurology, Gainesville, FL
David Turetsky, M.D., M.D., Radiology, Daytona Beach, FL

Verdict: ***For Defendant on March 31, 2023***.

Judgment: $126,580.41 for Defendant on Oct. 14, 2024 (amended final judgment: $78,958 – attorney fees; $47,622.41 – costs).

Editor's Note: The jury found that defendant's negligence was not a legal cause of injury or loss to either plaintiff. Plaintiffs filed an appeal on May 10, 2023, which was dismissed on Aug. 1, 2023, following an order to show cause. Their counsel's motion to withdraw was granted on Dec. 8, 2023. Defendant filed an amended motion for attorney fees and costs on June 7, 2024. ■

(13) HEIDI JORDAN vs. PUBLIX SUPER MARKETS, INC. (Circuit Court of Lake County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Lake / 2021-CA-001339 / Dan R. Mosley

Plaintiff(s) Attorney(s): Michael C. Woodard of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Joseph P. Menello and Patrick L. Mixson of Wicker Smith, et al., Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Shopper Slips and Falls on Liquid on Grocery Floor***. On July 30, 2021, plaintiff Heidi Jordan filed a complaint against defendant Publix Super Markets, Inc. She alleged that on Aug. 23, 2020, she was at plaintiff's store at 27615 US-27 #U in Leesburg, FL, when she slipped and fell on a liquid substance on the floor. As a result, she was injured. At trial, defendant admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Matthew H. Berlet, M.D., Radiology, Tampa, FL
Michael J. Broom, M.D., Orthopedic Surgery, Orlando, FL

Verdict: ***$4,261,410.80 for Plaintiff on June 28, 2024*** *($266,750 – past pain and suffering; $3,994,660.80 – future pain and suffering)*.

Judgment: $4,261,410.80 for Plaintiff on July 8, 2024.

Editor's Note: The jury was not asked to determine the amount of medical expenses. Defendant filed a motion for new trial, which the court denied on Dec. 13, 2024. On March 11, 2025, plaintiff voluntarily dismissed her action with prejudice. ■

(14) MARVIN MYERS vs. TRAVIS CLEMENTS and STANDARD FIRE INSURANCE CO. (Circuit Court of Lake County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Lake / 2022-CA-001131 / Dan R. Mosley

Plaintiff(s) Attorney(s): Tyler Swift and Richard S. Dellinger of Dan Newlin Injury Attorneys, Orlando, FL

Defendant(s) Attorney(s): Jonathan M. Diocares and Jason B. Trauth of Quintairos, Prieto, et al., Jacksonville, FL, for Travis Clements

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Causation and Damages***. On Jan. 17, 2023, plaintiff Marvin Myers filed a second amended complaint against defendants Travis Clements and Standard Fire Insurance Company. Plaintiff alleged that on June 8, 2021, he was driving north on US 27 near the intersection with Sunshine Avenue in Leesburg, FL, when Clements, who was also driving north on US 27, caused his motor vehicle to collide with plaintiff's. As a result, plaintiff was injured. He filed a claim for negligence against Clements and a claim for uninsured/underinsured motorist benefits against Standard Fire Insurance. On Jan. 3, 2024, plaintiff voluntarily dismissed his claim against Standard Fire with prejudice. Clements, the remaining defendant, disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Nizam Razack, M.D., J.D., Neurosurgery, Orlando, FL

Verdict: ***$343,041.73 for Plaintiff on April 17, 2024*** *($113,041.73 – past medical expenses; $30,000 – past pain and suffering; $200,000 – future pain and suffering)*.

Judgment: $344,658.61 for Plaintiff on July 11, 2024 ($327,603.94 – verdict minus setoffs; $17,054.67- costs).

Editor's Note: The jury was not asked to decide future medical expenses. Plaintiff filed a motion to join Clements' liability insurer, State Farm Mutual Automobile Insurance Company, to the final judgment. The court granted the motion. ■

(15) TONY SOOKRAJ vs. AUSTIN JACOB GEORGE and CHRISTY EVAN GEORGE (Circuit Court of Lake County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Lake / 2022-CA-000577 / Dan R. Mosley

Plaintiff(s) Attorney(s): Harran E. Udell, Ryan Christopher Rodems, and Susan Payne of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Darrin Chambers and Aaron Baker of Law Offices of Dolina Lordeus Lascaze, Coconut Creek, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Causation and Damages***. On June 1, 2022, plaintiff Tony Sookraj filed an amended complaint against defendants Austin Jacob George and Christy Evan George. Plaintiff alleged that on Dec. 23, 2020, he was driving a 2014 Nissan on East Main Street at the intersection with North Canal Street in Leesburg, FL, when Austin George, who was driving a 2009 GMC pickup owned by Christy George on North Canal Street, allowed his vehicle to collide with plaintiff's, injuring plaintiff. Plaintiff brought claims for negligence and for vicarious liability. Defendants admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Craig P. Jones, M.D., Orthopedic Surgery, Orlando, FL
Michael J. Foley, M.D., Radiology, Tampa, FL
Ian M. Zeller, Ph.D., Biomechanics, Altamonte Springs, FL

Verdict: ***$3,487.92 for Plaintiff on Oct. 12, 2023*** *($3,487.92 – past medical expenses; $0 – future medical expenses)*.

Judgment: $5,000 for Defendants on May 29, 2024 (costs).

Editor's Note: The jury found that plaintiff had not sustained a permanent injury. ■

(16) BRYANT WIGGINS vs. JESSICA A. BLEVINS and CARL R. BLEVINS (Circuit Court of Lake County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Lake / 2020-CA-000156 / Dan R. Mosley

Plaintiff(s) Attorney(s): Joseph T. Dunn, Michael R. Vaughn, and James J. Dye of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Theresa S. Caccippio and Danielle C. Favata of Wicker, Smith, et al., Coral Gables, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision at Red Light/Disputed Causation and Damages***. On Jan. 26, 2020, plaintiff Bryant Wiggins filed a complaint against defendants Jessica A. Blevins and Carl R. Blevins. He alleged that on March 10, 2019, he was stopped at a red light on State Road 50 at the intersection with East Avenue in Lake County, FL, when Jessica Blevins, who was operating a motor vehicle owned by Carl Blevins, collided with the rear of plaintiff's vehicle. As a result, plaintiff was injured. He brought claims for negligence and for vicarious liability. Defendants disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Randall T. Rust, M.D., Orthopedic Surgery, Winter Park, FL
David Rosenbach, M.D., Radiology, Tampa, FL

Verdict: ***$22,252.61 for Plaintiff on June 22, 2023*** *($22,251.61 – past medical expenses; $0 – future medical expenses)*.

Judgment: Mixed on May 9, 2025 (amended final judgment stating that neither party was to take anything from the action).

Editor's Note: The jury found that plaintiff had not suffered a permanent injury. Plaintiff filed a motion for new trial on June 30, 2023, which the court denied on Aug. 11, 2023. On Jan. 16, 2024, defendants filed a motion for fees and costs in which they stated that on March 10, 2023, they had offered to settle for $60,000. Subsequently, the parties reached a "walk away" agreement under which plaintiff would not appeal and defendants would not further pursue fees and costs. After the verdict amount was included in the original final judgment filed on June 25, 2024, defendants filed a motion for amended final judgment, pursuant to which the court issued the amended judgment. ■

MARION COUNTY

(17) TONIE BROADWAY and JANALUISA BROADWAY vs. SILVER SPRINGS BOTTLED WATER COMPANY (Circuit Court of Marion County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Marion / 2016-CA-001680 / Gary L. Sanders

Plaintiff(s) Attorney(s): C. Calvin Warriner and Matthew K. Schwencke of Searcy Denney, et al., West Palm Beach, FL

Defendant(s) Attorney(s): S. Renee Stephens Lundy, Brandon T. Acevedo, and Joseph R. Flood of Dean, Ringers, et al., Orlando, FL

Age/Sex/Occupation Of Plaintiff: Tonie Broadway: n/a / M / Truck Driver; Janaluisa Broadway: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Comparative Negligence/Slip and Fall on Loading Dock***. On Aug. 24, 2016, plaintiffs Tonie Broadway and Janaluisa Broadway, a married couple, filed a complaint for negligence and loss of consortium against defendant Silver Springs Bottled Water Co. Plaintiffs alleged that on Aug. 4, 2016, Tonie Broadway went to defendant's water-bottling plant in Ocala, FL, to deliver a freight container off a tractor-trailer. While on the loading dock, he slipped and fell on water that had leaked into the loading-dock area from the chillers and pooled on the ground. As a result, Tonie Broadway was injured, and Janaluisa Broadway suffered loss of consortium damages. Defendant denied negligence and contended that Tonie Broadway was himself negligent.

Nature Of Injury: Personal injuries; pain and suffering; loss of consortium.

Expert Witnesses:

Plaintiff's:
David Zimmerman, Building Inspection, Wellington, FL
Christopher M. Leber, M.D., Life Care Planning, Gainesville, FL
George Kantor, M.D., Orthopedic Surgery, Palm Beach, FL
Frederick A. Raffa, Ph.D., Economics, Orlando, FL

Defendant's:
Richard J. Boehme, M.D., Ph.D., Neurology, Jacksonville, FL
Marvin C. Mengel, M.D., Endocrinology, Geneva, FL
Brooks Rugemer, Trucking, Lancaster, PA
M. Reza Vaghar, Ph.D., P.E., Forensic Engineering, Lake Mary, FL

Verdict: ***$1,100,000 for Plaintiffs on May 17, 2024*** *($653,923 – past and future medical expenses of Tonie Broadway; $336,077 – past and future pain and suffering of Tomie Broadway; $50,000 – loss of comfort, society, and attention of Janaluisa Broadway; $50,000 – loss of services by Janaluisa Broadway)*.

Editor's Note: The jury found defendant 20% negligent and Tonie Broadway 80% negligent. ■

(18) DICKIE E. CORNETT, JR. and SHEREE CORNETT vs. REYNALDO DELGADO and GISSELLE DELGADO (Circuit Court of Marion County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Marion / 2021-CA-000330 / Gary L. Sanders

Plaintiff(s) Attorney(s): J. Alexander Lao, Vincent M. Massaro, and Joseph A. Lowman of Lowman Law Firm, Brooksville, FL

Defendant(s) Attorney(s): Dale T. Gobel and Chris D. Connally of Gobel Flakes, LLC, West Palm Beach, FL

Age/Sex/Occupation Of Plaintiff: Sheree Cornett: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision at Red Light***. On Feb. 18, 2021, plaintiffs Dickie E. Cornett and Sheree Cornett, a married couple, filed a complaint against defendants Reynaldo Delgado and Gisselle Delgado. Plaintiffs alleged that on July 31, 2020, they were stopped at a red light at the intersection of Highways 41 and 40 in Marion County, FL, when Reynaldo Delgado, driving a vehicle he co-owned with Gisselle Delagado, collided with the rear of their vehicle. As a result, Sheree Cornett sustained neck and back injuries, and Dickie Cornett was injured as well. They brought negligence and vicarious liability claims against defendants. On June 24, 2024, Dickie Cornett, pursuant to a settlement, voluntarily dismissed his claims with prejudice. At trial, defendants contested causation and damages.

Nature Of Injury: Personal injuries including neck and back injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
John D. Lloyd, Ph.D., Biomechanics, San Antonio, FL

Defendant's:
Reginald L. Tall, M.D., Orthopedic Surgeon, Winter Park, FL

Verdict: ***For Defendants on Aug. 23, 2024***.

Editor's Note: The jury found that the negligence on the part of Reynaldo Delgado was not a legal cause of loss, injury, or damage to plaintiff. Plaintiff filed a motion for new trial or, alternatively, for additur, but withdrew it on Dec. 30, 2024, pursuant to a settlement under which plaintiff agreed to waive any potential appeal and defendants agreed to waive any right to attorney fees and costs. That same day, plaintiff filed a notice of voluntary dismissal with prejudice. The court dismissed the action with prejudice on Dec. 31, 2024. ■

(19) ROGER DOWNS and MARYANNE DOWNS vs. GRACE & PEACE PIZZA OF FLORIDA, LLC d/b/a Papa John's Pizza and RICHARD S. BEAN (Circuit Court of Marion County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Marion / 2019-CA-002123 / Steven G. Rogers

Plaintiff(s) Attorney(s): Tyler C. Snure and Michael R. Vaughn of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Kara S. Graham and Jennifer E. Hoge of Rissman, Barrett, et al., Orlando, FL

Age/Sex/Occupation Of Plaintiff: Roger Downs: n/a / M / n/a; Maryanne Downs: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Magnetic Sign Falls From Top of Pizza Delivery Vehicle and Strikes Windshield of Other Vehicle***. On Oct. 18, 2019, plaintiffs Roger Downs and Maryanne Downs filed an amended complaint against defendants Grace & Peace Pizza of Florida LLC d/b/a Papa John's Pizza and Richard S. Bean. Plaintiffs alleged that on Feb. 17, 2019, Roger Downs was driving east on State Road 40 in Ocala, FL, with Maryanne Downs as his passenger. Bean, who was driving for Papa John's, was traveling east on the same road. The magnetic "Papa John's" sign separated from the top of Bean's vehicle and struck plaintiffs' windshield, injuring plaintiffs. Plaintiffs brought claims of negligence and vicarious liability against defendants. Defendants admitted that Bean, who was returning from a pizza delivery, was acting in the course and scope of his employment and that he was negligent. However, they disputed causation and damages and contended that plaintiffs had preexisting medical issues of a degenerative nature. A jury trial in February 2023 ended in a mistrial.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Troy D. Lowell, M.D., Orthopedic Surgery, Ocala, FL
David DeLonga, M.D., Ph.D., P.E., Biomechanical Engineering and Radiology, Gulf Breeze, FL

Verdict: ***$950,601.77 for Plaintiffs on Feb. 23, 2024*** *($22,950.81 – past medical expenses of Roger Downs; $75,000 – future medical expenses of Roger Downs; $115,250 – past pain and suffering of Roger Downs; $172,500 – future pain and suffering of Roger Downs; $39,900.86 – past medical expenses of Maryanne Downs; $75,000 – future medical expenses of Maryanne Downs; $150,000 – past pain and suffering of Maryanne Downs; $300,000 – future pain and suffering of Maryanne Downs)*.

Judgment: $935,307.03 for Plaintiffs on April 3, 2024 (verdict less personal injury protection payments).

Editor's Note: The verdict totals $950,601.67**.** Defendants filed a motion for new trial, which the court denied, and an appeal, which defendants later dismissed. On April 24, 2025, plaintiffs voluntarily dismissed the action with prejudice. ■

(20) RONALD P. STEINIKE vs. YOUNGS GARBAGE SERVICE LLC and BRYAN TREMAYNE THOMAS (Circuit Court of Marion County, 5th Judicial Circuit, Florida)

County/Docket #/Judge: Marion / 2019-CA-002599 / Victor J. Musleh

Plaintiff(s) Attorney(s): Michael J. Smith of Morgan & Morgan, P.A., Tavares, FL, Erick Salazar of Morgan & Morgan, P.A., Orlando, FL; Christopher J. Hinckley of Morgan & Morgan, P.A., Ocala, FL

Defendant(s) Attorney(s): Scott A. Shelton and Michael J. Merrill of Cole, Scott, et al., P.A., Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Causation and Damages***. On Nov. 26, 2019, plaintiff Ronald P. Steinike filed a complaint against defendants Youngs Garbage Service LLC and Bryan Tremayne Thomas. He alleged that on Jan. 4, 2018, he was driving east on 63rd Lane Road in Marion County, FL, when Thomas, who was also driving east on that road, caused his motor vehicle, which was owned by Youngs Garbage Service, to collide with plaintiff's. As a result, plaintiff was injured. He alleged that Thomas was negligent and that Youngs Garbage Service was vicariously liable for his negligence. Defendants admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses: n/a

Verdict: ***$3,335 for Plaintiff on March 8, 2023*** *($3,335 – past medical expenses; $0 – future medical expenses)*.

Editor's Note: The jury found that plaintiff had not sustained a permanent injury. Plaintiff filed a motion for costs, and defendants, who stated that they had offered to settle for $20,000 in 2021, filed motions for collateral source setoffs and for attorney fees and costs. On Oct. 16, 2023, plaintiff voluntarily dismissed the action with prejudice. ■

MARTIN COUNTY

(21) RUSSELL CAUGHEY vs. DONALD WOOD, D.O., PARAGON CONTRACTING SERVICES, LLC, and MARTIN MEMORIAL MEDICAL CENTER, INC. d/b/a Cleveland Clinic Martin North Hospital (Circuit Court of Martin County, 19th Judicial Circuit, Florida)

County/Docket #/Judge: Martin / 2019-CA-001486 / Robert L. Pegg

Plaintiff(s) Attorney(s): Michael V. Baxter and Jason D. Weisser of Schuler, Weisser, et al., West Palm Beach, FL

Defendant(s) Attorney(s): Anthony P. Corsini and James L. White III of White & Russell, P.A., Palm Beach Gardens, FL, for Donald Wood, D.O., and Paragon Contracting Services, LLC

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Medical Malpractice/Emergency Medicine/Patient Develops Necrotizing Fasciitis Leading to Leg Amputation After Being Treated for Ankle Injury***. On Dec. 18, 2019, plaintiff Russell Caughey filed a complaint against defendants Donald Wood, D.O., Paragon Contracting Services, LLC, and Martin Memorial Medical Center, Inc., d/b/a Cleveland Clinic Martin North Hospital. Plaintiff alleged on Nov. 7, 2018, he went to the emergency department of Martin North for a right ankle injury. He rated his pain as 10 out of 10. Plaintiff, who had taken ibuprofen for a fever before his admission, was given hydrocodone-acetaminophen at 9:17 a.m. His blood pressure was elevated. An X-ray showed soft tissue swelling with no acute fracture. Dr. Wood, who was employed by Paragon, examined plaintiff at about 9:59 a.m. He allegedly did not investigate the cause of plaintiff's complaints of pain or order further diagnostic testing. Plaintiff was discharged at 11:30 a.m. with a right ankle cast and crutches. He was told to take ibuprofen as needed and to follow up with his primary care physician. Plaintiff was not prescribed antibiotics. On Nov. 11, 2018, plaintiff returned to Martin North for blisters on his right foot and for pain, swelling, and erythema. An MRI showed significant subcutaneous soft tissue edema throughout the lower leg with some areas of probable blister formation. Blood tests were positive for staphylococcus aureus. Dr. Raymond Rowan, a podiatrist performed an incision and drainage of the right lower extremity with a fasciotomy on Nov. 13, 2018. On Nov. 19, 2018, plaintiff's right leg was amputated to above the knee. Plaintiff alleged that Dr. Wood was negligent in failing to obtain a complete patient history, failing to perform a complete examination, failing to investigate the cause of abnormal signs and symptoms, failing to perform a complete workup, failing to investigate abnormal signs (including abnormal heart rate, blood pressure, and EKG findings), failing to prescribe antibiotics, failing to appropriately manage plaintiff's pain, failing to perform a workup for sepsis, and failing to admit plaintiff to the hospital. Plaintiff alleged that Paragon was vicariously liable for Dr. Wood's negligence. Plaintiff also contended that Martin North was negligent but voluntarily dismissed his claim against it on May 18, 2023, pursuant to a settlement. Dr. Wood and Paragon denied negligence. They contended that there were no apparent signs of necrotizing fasciitis when plaintiff presented to the emergency room.

Nature Of Injury: Loss of right leg; pain and suffering.

Expert Witnesses:

Plaintiff's:
Gerald R. Donowitz, M.D., Internal Medicine and Infectious Disease, Charlottesville, VA
Joshua Helman, M.D., Emergency Medicine, Wesley Chapel, FL
Christopher Leber, M.D., Life Care Planning, San Antonio, TX
Thomas Roney, Economics, Fort Worth, TX

Defendant's:
Ali S. Raja, M.D., Emergency Medicine, Lincoln, MA
Larry M. Bush, M.D., Infectious Disease, Atlantis, FL

Verdict: ***$3,205,525 for Plaintiff on Feb. 27, 2024*** *($705,525 – past and future medical expenses; $500,000 – past pain and suffering; $2,000,000 – future pain and suffering)*.

Judgment: $3,205,525 for Plaintiff on April 5, 2024.

Editor's Note: On March 12, 2024, defendants filed a motion for entry of judgment in accordance with motion for directed verdict, or, in the alternative for a new trial. The court denied the motion on June 1, 2024. Defendants filed a notice of appeal on June 19, 2024. Plaintiff was awarded $87,500 in costs on Oct. 22, 2024. ■

(22) CASSIE VERDECANNA vs. LORRAINE M. FRANCIS and RICHARD V. FRANCIS (Circuit Court of Martin County, 19th Judicial Circuit, Florida)

County/Docket #/Judge: Martin / 2019-CA-000001 / Elizabeth A. Metzger

Plaintiff(s) Attorney(s): Dane Ullian, David M. Carter, and Jason L. Odom of Gould Cooksey, et al., PLLC, Vero Beach, FL

Defendant(s) Attorney(s): John J. Wilke and Luis A. Botero of Wilke & Botero, Boca Raton, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/ Disputed Liability and Causation of Damages***. Plaintiff Cassie Verdecanna alleged that she sustained permanent injuries on March 16, 2018, when defendant Lorraine M. Francis negligently operated a motor vehicle owned by defendant Richard V. Francis and caused a collision with a motor vehicle being operated by plaintiff near the intersection of Kanner Highway SW and Cove Road SE in Martin County, FL. On Jan. 2, 2019, plaintiff filed a complaint for negligence against Lorraine Francis and for vicarious liability against Richard Francis. Defendants denied that Lorraine Francis was negligent and alleged that plaintiff was herself negligent. Defendants also denied the extent of injuries and the damages claimed by plaintiff and disputed that she had suffered any permanent injury. Richard Francis was later dismissed without prejudice, and the case went to a jury trial on plaintiff's claims against Lorraine Francis.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Michael Zeide, M.D., Orthopedic Surgery, Boynton Beach, FL

Verdict: ***$16,902 for Plaintiff on Feb. 2, 2024*** *(past medical expenses)*.

Judgment: $7,210.40 for Plaintiff on May 14, 2024 (after personal injury protection coverage setoff).

Editor's Note: The jury found no negligence on the part of plaintiff. The jury awarded plaintiff no future medical expenses and found that she had not suffered a permanent injury. Defendant's motion for attorney fees was denied on Sept. 23, 2024. Plaintiff was awarded $76,629.32 in taxable costs on May 28, 2025. Satisfaction of final judgment in accordance with jury verdict was filed by plaintiff on June 12, 2025. ■

ORANGE COUNTY

(23) DAVID ALLIBONE vs. STEVEN PALM and LINDA PALM (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2018-CA-003293-O / Heather Pinder Rodriguez

Plaintiff(s) Attorney(s): Chad S. Lucas, Stephen C. Lynch, and Ryan Christopher Rodems of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Dale T. Gobel and David Migneault of Gobel Flakes, LLC, Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision***. On March 30, 2018, plaintiff David Allibone filed a complaint against defendants Steven Palm and Linda Palm. He alleged that on Oct. 21, 2016, he was driving east on State Road 482 (Sand Lake Road) when Steven Palm, who was driving a motor vehicle he co-owned with Linda Palm, rear-ended plaintiff's vehicle, causing plaintiff to sustain neck and shoulder injuries. Plaintiff alleged that Steven Palm was negligent and that Linda Palm was vicariously liable for his negligence. Defendants disputed causation and damages and claimed that plaintiff was himself also negligent.

Nature Of Injury: Neck and shoulder injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Sean Mahan, M.D., Radiology, Winter Springs, FL
Michael Shahnasarian, Ph.D., Life Care Planning, Tampa, FL
Frederick Raffa, Ph.D., Economics, Orlando, FL

Defendant's:
Michael J. Foley, M.D., Radiology, Tampa, FL
John Jenkins, M.D., Neurosurgery, Orlando, FL

Verdict: ***$52,617.86 for Plaintiff on Feb. 26, 2024*** *($37,505.36 – past medical expenses; $15,112.50 – future medical expenses)*.

Editor's Note: The jury found that plaintiff was not negligent. On March 12, 2024, plaintiff filed a motion for new trial. Although the docket does not contain an order granting the motion, the court referred the case to mediation on May 28, 2025, and indicated that the case was set for a jury trial in December 2025. ■

(24) AMY BLAKELY AND ELBERT BLAKELY vs. AMERICAN TRADITIONS INSURANCE COMPANY (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2023-CA-000533-O / Heather Pinder Rodriguez

Plaintiff(s) Attorney(s): Matthew Struble and Eduardo Ramirez of StrubleCohen, Indialantic, FL

Defendant(s) Attorney(s): Joseph A. Buhrts of Bickford & Chidnese, LLP, Tampa, FL

Age/Sex/Occupation Of Plaintiff: n/a

Cause Of Injury: ***Insurance/Homeowners Policy/Breach of Contract/Denial of Claim***. On Jan. 19, 2023, plaintiffs Amy and Elbert Blakely filed a complaint for breach of contract against defendant American Traditions Insurance Company. Plaintiffs had a homeowners insurance policy with defendant in effect from April 21, 2021, to April 21, 2022. Plaintiffs claimed that during that time period, specifically on March 16, 2022, the exterior of their property sustained damage due to wind and/or hail, which caused an opening through which water entered and caused damage to the interior of the property. Plaintiffs alleged that defendant breached the policy by denying their insurance claim. Defendant denied plaintiffs' allegations and argued that the loss was excluded under the policy.

Nature Of Injury: Property damage.

Expert Witnesses:

Plaintiff's:
Glenn Richards, Meteorology, Chuluota, FL

Defendant's:
W. Garbiel Luger, P.E., Engineering, Tampa, FL

Verdict: ***For Defendant on Aug. 1, 2024***.

Judgment: For Defendant on Nov. 22, 2024.

Editor's Note: Plaintiffs filed a motion for new trial, which was denied on Nov. 4, 2024. Defendant filed a motion for entitlement to attorney fees and costs, which was granted on April 29, 2025. ■

(25) JOSHUA COBB vs. WALT DISNEY PARKS AND RESORTS US, INC. (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2023-CA-007322-O / Michael Deen

Plaintiff(s) Attorney(s): T. Patton Youngblood, Jr., and Sean C. Youngblood of Youngblood Law Firm, St. Petersburg, FL

Defendant(s) Attorney(s): Kurt M. Spengler of Wicker, Smith, et al., P.A., Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Premises Liability/Slip in Rain at Entrance of Amusement Park Ride***. On March 21, 2023, plaintiff Joshua Cobb filed a premises liability complaint against defendant Walt Disney Parks and Resorts US, Inc. Plaintiff alleged that while on defendant's premises at Disney's Hollywood Studios on Aug. 5, 2019, he sustained serious injuries when he slipped in the rain at the entrance to the Toy Story Mania ride. Plaintiff claimed that the surface was unreasonably slippery and that defendant failed to act with reasonable care. Defendant denied plaintiff's allegations and filed a motion for summary judgment, arguing that it did not breach any duty owed to plaintiff.

Nature Of Injury: Personal injuries.

Expert Witnesses: n/a

Judgment: For Defendant on April 4, 2025 (granting summary judgment).

Editor's Note: The court found that plaintiff had presented no admissible evidence that defendant breached its duty to maintain the premises in a reasonably safe condition or had actual or constructive notice of a dangerous condition. The presence of rainwater on a threshold exposed to outdoor elements was not, by itself, evidence of negligence. The court concluded the condition was open and obvious, and plaintiff had not submitted evidence of any code violations, design defects, or deviation from reasonable care. ■

(26) HUMANE DESARMES vs. CITY OF ORLANDO (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2020-CA-010359-O / Margaret H. Schreiber

Plaintiff(s) Attorney(s): Matthew C. Quattrochi and Camilli Da Silva of Quattrochi & Torres, P.A., Casselberry, FL

Defendant(s) Attorney(s): Dennis R. O'Connor of O'Connor and O'Connor, LLC, Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Collision Involving Police Vehicle***. On Oct. 19, 2020, plaintiff Hu-

mane Desarmes filed a complaint against defendant City of Orlando. She alleged that at about 7:30 p.m. on Sept. 12, 2019, she was driving east on Balboa Drive in Orlando, FL. As plaintiff attempted to make a left turn into a private driveway, Gregory Leon Smith, who was driving behind plaintiff in a 2017 Jeep Liberty owned by defendant, struck plaintiff's vehicle. As a result, plaintiff was injured. She alleged that defendant, which employed Smith as a police officer, was vicariously liable for his negligence. Defendant denied that Smith was negligent. It also denied that plaintiff was injured as a result of the collision. In addition, defendant claimed that plaintiff was herself negligent.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Richard Shure, M.D., Orthopedic Surgery, Windermere, FL

Verdict: ***For Defendant on Aug. 16, 2024***.

Judgment: $14,181.36 for Defendant on June 23, 2025 (costs).

Editor's Note: The jury found that there was no negligence on Smith's part that was a legal cause of loss, injury, or damage to plaintiff. ■

(27) DANIELLE GILLETTE vs. ARCHWAY INTERNATIONAL, INC. (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2023-CA-002492-O / A. James Craner

Plaintiff(s) Attorney(s): Eric Deming and Derek Connell of Morgan & Morgan, P.A., Orlando and Melbourne, FL

Defendant(s) Attorney(s): Gary L. Lewis, Scott A. Shelton, and Caleb Loppe of Cole, Scott, et al., P.A., Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Rental Home Tenant Steps on Nail Left From Roofing Job***. On March 17, 2023, plaintiff Danielle Gillette filed a premises liability complaint against defendant Archway International, Inc., who was hired by plaintiff's landlord to make repairs to the roof of plaintiff's rented home. Plaintiff alleged that on March 22, 2022, following the completion of the work, she sustained severe and permanent injuries when she stepped on a roofing nail that went into her foot while she was walking through the property. Plaintiff claimed that the nail was left on the property by defendant and that defendant was negligent in failing to properly clean up the property after completing the roofing services. Defendant denied plaintiff's allegations and claimed that plaintiff was herself negligent.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses: n/a

Verdict: ***$17,000 for Plaintiff on Jan. 31, 2025*** *($12,000 – past medical expenses; $5,000 – past pain and suffering)*.

Editor's Note: The jury found plaintiff 50% negligent and defendant 50% negligent. The jury awarded no damages for future pain and suffering. Plaintiff filed a notice of voluntary dismissal with prejudice on April 3, 2025. ■

(28) MARION HALL v. ORLANDO UTILITIES COMMISSION (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2022-CA-010525-O / Eric J. Netcher

Plaintiff(s) Attorney(s): Thomas L. Dennis, Christopher N. Gonsalves, Michael J. Damaso, II of Wooten, Kimbrough, et al., Orlando, FL

Defendant(s) Attorney(s): Dennis R. O'Connor of O'Connor, Haftel, et al., Orlando, FL for Orlando Utilities Commission

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Comparative Negligence/Dog Walker Steps Off Sidewalk and Into Broken Water Meter Box***. On Nov. 18, 2022, plaintiff Marion Hall filed a complaint against former defendants Henry Gonzalez-Chuello and Carmen Arajuo-Sandoval and against defendant Orlando Utilities Commission. She alleged that on July 8, 2021, she was walking her dog when she stepped off the sidewalk and into a hole created by a broken water meter box. Her right foot went into the broken water meter box, causing her to break her right ankle. Plaintiff alleged that Gonzalez-Chuello and Arajuo-Sandoval, who owned the property on which

the meter box was located, were negligent and that the Orlando Utilities Commission, which owned the water meter box, was also negligent. On Feb. 2, 2024, plaintiff voluntarily dismissed her claims against Gonzalez-Chuello and Arajuo-Sandoval with prejudice. Orlando Utilities Commission, the remaining defendant, denied the allegations and contended that plaintiff, Gonzalez-Chuello, and Arajuo-Sandoval were negligent.

Nature Of Injury: Broken ankle; pain and suffering.

Expert Witnesses: n/a

Verdict: ***$700,820 for Plaintiff on Feb. 23, 2024*** *($314,900 – past pain and suffering; $385,920 – future pain and suffering)*.

Judgment: $462,541.20 for Plaintiff on March 7, 2024.

Editor's Note: The jury, which was asked only to determine pain and suffering damages, found that Orlando Utilities Commission was 66% negligent, that Gonzalez-Chuello and Arajuo-Sandoval were each 17% negligent, and that plaintiff was not negligent. Orlando Utilities Commission filed post-trial motions, which the court denied on March 28, 2024. On April 17, 2024, Orlando Utilities Commission filed a notice of appeal. Plaintiff died on May 6, 2024, and her personal representative was substituted as the appellee. In its judgment, the court stated that the portion of the judgment that exceeded $200,000 could be reported to the legislature, but payment would require an act of the legislature. ■

(29) MARY HOLT vs. WILLIAM NELSON (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2020-CA-005088-O / Jeffrey L. Ashton

Plaintiff(s) Attorney(s): Ryan Christopher Rodems, Ginger Miranda, and Will D. Bates of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): Jeremy T. Palma and Aaron E. Eagen of Rissman, Barrett, et al., P.A., Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Disputed Causation of Damages***. Plaintiff Mary Holt alleged that she sustained permanent injuries on June 11, 2019, when the motor vehicle she was operating was rear-ended by a motor vehicle being operated by defendant William Nelson near the intersection of Wymore Road and Kennedy Boulevard in Orlando, FL. On May 13, 2020, plaintiff filed a complaint for negligence against defendant, who admitted negligence but disputed the nature and extent of plaintiff's injuries.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Brian Garra, M.D., Radiology, Clermont, FL

Defendant's:
Marc Kaye, M.D., Radiology, Fort Lauderdale, FL
Michael P. Silverstein, M.D., Orthopedic Surgery, Winter Park, FL

Verdict: ***$5,755 for Plaintiff on April 5, 2024*** *(past medical expenses)*.

Editor's Note: The jury awarded plaintiff no future medical expenses and found that she had not suffered a permanent injury. ■

(30) DEBRA LUST vs. LAWRENCE DUNCAN, CHASE DUNCAN and GARRISON PROPERTY AND CASUALTY INSURANCE COMPANY (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2022-CA-003989-O / Heather Pinder Rodriguez

Plaintiff(s) Attorney(s): Joseph H. Shaughnessy, Grant Gillenwater, and Evan Schmidt of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): David R. Kuhn and Thomas J. Monaghan of Rissman, Barrett, et al., P.A., Orlando, FL, for Lawrence Duncan and Chase Duncan; Jason P. Isaac and Katherine E. Ellis of Law Offices of Athena Thanos, Tampa, FL, for Garrison Property and Casualty Insurance Company

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Injury to Passenger/Underinsured Motorist Claim***. Plaintiff Debra Lust alleged that she sustained permanent injuries on June 4, 2021, when defendant Chase Duncan negligently operated a motor vehicle owned by defendant Lawrence Duncan and caused a collision with a motor vehicle in which plaintiff was a passenger near the intersection of

Welch Road and Litchem Road in Apopka, FL. Plaintiff claimed that, at the time of the collision, the Duncans were underinsured for the purpose of bodily injury liability. On May 5, 2022, plaintiff filed a complaint for negligence against Chase Duncan and for vicarious liability against Lawrence Duncan. Plaintiff also asserted a claim for underinsured motorist coverage against defendant Garrison Property and Casualty Insurance Company, her uninsured/underinsured motorist carrier. Plaintiff later dismissed her claims against the Duncans with prejudice. The case went to a jury trial against Garrison, who admitted that Chase Duncan was negligent but disputed the nature and extent of plaintiff's claimed injuries and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Geoffrey A. Negin, M.D., Radiology, Fort Myers, FL
Jason A. Demery, Ph.D., Neuropsychologist, Newberry, FL

Verdict: ***$1,318,132 for Plaintiff on Jan. 14, 2025*** *($104,019 – past medical expenses; $414,113 – future medical expenses; $120,000 – past pain and suffering; $680,000 – future pain and suffering).*

Editor's Note: Plaintiff filed a notice of voluntary dismissal with prejudice as to Garrison on Jan. 27, 2025. ■

(31) DORIS PRISCILLA ROMAN vs. ORLANDO UTILITIES COMMISSION (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2017-CA-004705-O / Heather Pinder Rodriguez

Plaintiff(s) Attorney(s): William McBride of William McBride Law Group, P.A., Orlando, FL

Defendant(s) Attorney(s): Dennis O'Connor of O'Connor & O'Connor, LLC, Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Premises Liability/Comparative Negligence/Pedestrian Steps Into Hole for Water Valve.*** On June 20, 2017, plaintiff Doris Priscilla Roman filed a complaint against defendant Orlando Utilities Commission. She alleged that on Aug. 26, 2016, she was walking along the 700 block of Magnolia Avenue in Orlando, FL, when she stepped into a hole for a water meter valve. As a result, plaintiff was injured. Plaintiff, who claimed that the cover for the water valve was missing, alleged that defendant was negligent in not properly maintaining the valve and in not warning of the dangerous condition. Defendant denied negligence and claimed that plaintiff was herself negligent.

Nature Of Injury: Foot injury; pain and suffering.

Expert Witnesses:

Plaintiff's:
Robert P. Tremp, Jr., M.A., Life Care Planning, Traverse City, MI
Michael A. Shapiro, M.D., Medical Billing, Indian Harbour Beach, FL

Defendant's:
Robert Murrah, M.D., Orthopedic Surgery, Orlando, FL

Verdict: ***$5,620.41 for Plaintiff on July 27, 2023*** *($5,620.41 – past medical expenses; $0 – past medical expenses).*

Editor's Note: The jury, which found that plaintiff did not sustain a permanent injury, found plaintiff 90% negligent and defendant 10% negligent. On July 29, 2024, plaintiff voluntarily dismissed the action with prejudice. ■

(32) GIHAN SINARE vs. EDUARDO MAXIMILIANO CENDEJAS GALLARDO (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2020-CA-005970-O / Luis F. Calderson

Plaintiff(s) Attorney(s): Ryan Christopher Rodems, Manual "Manny" Stefan, Stephen C. Lynch, and Yalkin Gencel of Morgan & Morgan, P.A., Orlando, FL

Defendant(s) Attorney(s): David F. Cooney of Cooney Trybus, et al., Fort Lauderdale, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Two-Vehicle Collision.*** On May 13, 2021, plaintiff Gihan Sinare filed an amended complaint against defendant Eduardo Maximiliano Cendejas Gallardo. She alleged that on March 19,

2020, she and defendant were both driving on U.S. 441 (Orange Blossom Trail) in Orange County, FL, when defendant caused his motor vehicle to collide with plaintiff's. As a result, plaintiff was injured. Plaintiff brought a negligence claim against defendant, who denied the allegations. At trial, the court directed a verdict for plaintiff on the issues of negligence, causation, and the permanency of plaintiff's injuries.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Avinash K. Bhandary, M.D., Life Care Planning, Orlando, FL

Defendant's:
Mary Shriver, M.D, Neurology, Tampa, FL

Verdict: $496,395.74 for Plaintiff on Jan. 31, 2025 *($99,395.74 – past medical expenses; $160,000 – future medical expenses; $73,650 – past pain and suffering; $163,350 – future pain and suffering)*.

Editor's Note: Defendant filed a motion for new trial, which the court denied on May 28, 2025. On Feb. 4, 2025, Plaintiff filed a motion for attorney fees and costs based on defendant's failure to accept a proposed settlement of $100,000. ■

(33) MARVIN TOBAR and DELMA TOBAR, as Personal Representatives of the ESTATE OF JASON ALEXIS TOBAR, MARVIN TOBAR, Individually, and DELMA TOBAR, Individually vs. RUTH JASMIN MEDRANO (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2021-CA-003739-O / Heather Pinder Rodriguez

Plaintiff(s) Attorney(s): Loreen I. Kreizinger of Demand the Limits, PLLC, Boca Raton, FL

Defendant(s) Attorney(s): William Bracken of Bracken & Bergwell, P.A., Lakeland, FL

Age/Sex/Occupation Of Plaintiff: Jason Alexis Tobar (decedent): 24 / M / n/a; Marvin Tobar: n/a / M / n/a; Delma Tobar: n/a / F / n/a

Cause Of Injury: ***Wrongful Death/Negligence/Motor Vehicle Collision With Motorcycle***. On April 12, 2021, plaintiffs Marvin Tobar and Delma Tobar, individually and as personal representatives of the estate of their son, Jason Alexis Tobar ("the decedent"), filed a wrongful death complaint against defendant Ruth Jasmin Medrano. Plaintiffs alleged that on Sept. 25, 2020, at around 6:40 p.m., the decedent was riding a 2005 Honda CBR MC motorcycle at or near the intersection of Landstar Boulevard and Misley Drive in Orange County, FL, when defendant, who was driving a 2016 Honda Accord, caused her vehicle to collide with the decedent's motorcycle. As a result, the decedent sustained multiple blunt-force injuries and died that day at around 7:11 p.m. Plaintiffs alleged that defendant was negligent in failing to yield the right of way to the decedent so that when defendant crossed the intersection, the decedent was unable to stop in time. They sought damages on behalf of the estate as well as loss of consortium damages.

Defendant denied the allegations and argued that the decedent was himself negligent. She contended that she was making a left turn when the decedent came from behind another vehicle, sped around it, and got back in front of that vehicle immediately before the collision.

Nature Of Injury: Death; loss of consortium.

Expert Witnesses:

Plaintiff's:
Paul J. Montalbano, P.E., Accident Reconstruction, Tampa, FL

Defendant's:
n/a

Verdict: ***For Defendant on Oct. 25, 2024***.

Editor's Note: The jury found that there was no negligence on the part of defendant that was a legal cause of the death of the decedent. On Nov. 11, 2024, plaintiffs filed a motion for new trial. ■

(34) WILLIAM WHITE vs. JENNIFER AMEZQUITA (Circuit Court of Orange County, 9th Judicial Circuit, Florida)

County/Docket #/Judge: Orange / 2018-CA-006372-O / Jay P. Cohen

Plaintiff(s) Attorney(s): Derrick R. Connell, Ravin Sahadeo, Ryan P. Rudd, and Daniel Hales of Morgan & Morgan, P.A., Orlando, FL; William Tonelli of Tonelli Law, PLLC, Winter Park, FL; and Nicholas Seidule of McKeever & Seidule, Winter Park, FL

Defendant(s) Attorney(s): David F. Cooney and Benjamin Kashi of Cooney Trybus Law, Fort Lauderdale, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision at Traffic Light/Disputed Causation and Damages***. On June 15, 2018, plaintiff William White filed a complaint against defendant Jennifer Amezquita. He alleged that on Dec. 27, 2017, his 2005 Buick Park Avenue was stopped at a traffic light on southbound Hiawassee Road in Orange County, FL, when defendant, driving a 2013 Kia Forte, rear-ended plaintiff's vehicle. As a result, plaintiff was injured. He brought a claim for negligence. Defendant admitted negligence but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Michael Freeman, Ph.D., Accident Reconstruction, Lake Oswego, OR

Defendant's:
David Gushue, Ph.D., Accident Reconstruction and Biomechanics, Penns Park, PA
Peter A. Livingston, M.D., Radiology, Hollywood, FL
Gaetano J. Scuderi, M.D., Orthopedic Surgery, Jupiter, FL

Verdict: ***$4,132,480.41 for Plaintiff on April 16, 2025*** *($232,633.17 – past medical expenses; $599,847.24 – future medical expenses; $500,000 – past pain and suffering; $2,800,000 – future pain and suffering)*.

Judgment: $4,132,480.41 for Plaintiff on June 24, 2025.

Editor's Note: Following the verdict, plaintiff filed a motion to join defendant's liability insurer, State Farm Mutual Automobile Insurance Company, to the judgment. The court granted the motion. It indicated in the judgment that plaintiff would recover $10,000, defendant's bodily injury liability policy limits, from State Farm. Defendant filed a motion for new trial, which the court denied on June 4, 2025. ■

PALM BEACH COUNTY

(35) DEBORAH CAREY and CHARLES CAREY vs. SANJEEV KUMAR GUPTA (Circuit Court of Palm Beach County, 15th Judicial Circuit, Florida)

and

PETER LAFROSCIA vs. SANJEEV GUPTA (Circuit Court of Palm Beach County, 15th Judicial Circuit, Florida)

County/Docket #/Judge: Palm Beach / 2022-CA-008884; 2023-CA-002687 / Carolyn Bell

Plaintiff(s) Attorney(s): Ryan M. Wechsler and Lyle R. Long of Long, Jean, et al., Pompano Beach, FL, for Deborah Carey and Charles Carey; Patrick N. Mourin of Goldman & Daszkai, P.A., Deerfield Beach, FL, for Peter LaFroscia

Defendant(s) Attorney(s): Mark Schechter of Robinson Pecaro, et al, Sunrise, FL

Age/Sex/Occupation Of Plaintiff: Deborah Carey: n/a / F / n/a; Charles Carey: n/a / M / n/a; Peter LaFroscia: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Multi-Vehicle Collision***. On Sept. 9, 2022, plaintiffs Deborah Carey and Charles Carey filed a complaint against defendant Sanjeev Kumar Gupta. They alleged that on May 3, 2022, they stopped their vehicle, a 2014 Nissan Altima, at the intersection of Glades Road and Corporate Park with the intention of making a left turn. Defendant, driving a 2016 Toyota Highlander, was speeding in the eastbound lanes of Glades Road when a vehicle driven by plaintiff Peter LaFroscia crossed the eastbound lanes ahead of defendant. Although defendant should have been able to avoid a collision, he crashed into LaFroscia's vehicle, and then into the Careys' vehicle. As a result, the Careys were injured. They brought negligence claims against defendant.

On March 17, 2023, LaFroscia filed a complaint against defendant. He alleged that he was injured when defendant negligently caused his vehicle to collide with LaFroscia's vehicle, thereby injuring LaFroscia.

The cases were consolidated for discovery and later for trial. Defendant denied negligence and contended that LaFroscia was negligent.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Brian G. Pfeiffer, Ph.D., P.E., Accident Reconstruction, Tallahassee, FL
Christopher Leber, M.D., Physical Medicine and Rehabilitation, Gainesville, FL

Defendant's:
William J. Fischer, M.S., P.E., Accident Reconstruction, Punta Gorda, FL
Michael Zeide, M.D., Orthopedic Surgery, West Palm Beach, FL
Richard Simon, M.D., Orthopedic Surgery, Plantation, FL
Michael Foley, M.D., Radiology, Tampa, FL
Richard Kishner, M.D., Neurology, Vero Beach, FL

Verdict: ***For Defendant on May 9, 2025***.

Judgment: For Defendant on May 14, 2025.

Editor's Note: The jury found that there was no negligence on defendant's part that was a legal cause of the collision. On May 27, 2025, the Careys filed a motion for new trial. The next day, LaFroscia filed a motion to join in the Careys' motion. ■

PASCO COUNTY

(36) DORY RICHARDS vs. TYLER JAMES BOYD and LIBERTY MUTUAL PERSONAL INSURANCE COMPANY (Circuit Court of Pasco County, 6th Judicial Circuit, Florida)

County/Docket #/Judge: Pasco / 2023-CA-001294 / Kimberly Sharpe Byrd

Plaintiff(s) Attorney(s): Stephen H. Haskins and Martin Macyszyn of Lucas, Macyszyn, et al., PLLC, New Port Richey, FL

Defendant(s) Attorney(s): Jesse L. Shurman and Stacey M. Bosch of Rissman, Barrett, et al., P.A., Tampa, FL, for Tyler James Boyd

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Disputed Causation of Damages***. Plaintiff Dory Richards alleged that she sustained permanent injuries, including injuries to her cervical and lumbar spine, on Sept. 20, 2022, when the motor vehicle she was operating was rear-ended by a motor vehicle being operated by defendant Tyler James Boyd ("defendant") at the intersection of Elgin Boulevard and Baldock Avenue in Hernando County, FL. On March 20, 2023, plaintiff filed a complaint for negligence against defendant. Plaintiff also asserted an uninsured motorist benefits claim against her insurer, Liberty Mutual Personal Insurance Company, but later dismissed it with prejudice. The case went to a jury trial against defendant, who admitted negligence but disputed the nature and extent of plaintiff's injuries.

Nature Of Injury: Personal injuries including cervical and lumbar spine injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Michael J. Foley, M.D., Radiology, Tampa, FL

Defendant's:
Dennis R. Whaley, M.D., Radiology, Lexington, KY
Michael P. Silverstein, M.D., Orthopedic Surgery, Winter Park, FL

Verdict: ***$50,000 for Plaintiff on April 10, 2025*** *($50,000 – past medical expenses, $0 – future medical expenses; $0 – past pain and suffering; $0 – future pain and suffering)*.

Editor's Note: On April 18, 2025, defendant filed a motion for attorney fees and costs based upon its proposal for settlement in the amount of $100,000, which plaintiff had rejected. On April 22, 2025, plaintiff filed a motion for new trial, arguing that the verdict was inconsistent because the jury found that plaintiff had sustained a permanent injury but failed to award her damages for pain and suffering. Plaintiff also claimed that the award of past medical expenses was legally insufficient and that the award of no damages for future medical expenses was against the manifest weight of the evidence. ■

PINELLAS COUNTY

(37) ELIZABETH SONYA RANDLE vs. DONNA HOSTNICK (Circuit Court of Pinellas County, 6th Judicial Circuit, Florida)

County/Docket #/Judge: Pinellas / 23-000219-CI / David A. Demers

Plaintiff(s) Attorney(s): *Pro Se*

Defendant(s) Attorney(s): Laura E. Simon, Skylar D. Stewart, and Tyler S. Johnson of Rissman, Barrett, et al., Tampa, FL

Age/Sex/Occupation Of Plaintiff: n/a / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision***. On Nov. 2, 2023, plaintiff Elizabeth Sonya Randle, acting pro se, filed an amended complaint against defendant Donna Hostnick. She alleged that on Dec. 3,

2019, defendant, driving a 2006 Toyota Solara, rear-ended plaintiff's 2008 Ford Taurus while it was stopped at a red light at the intersection of 22nd Avenue North and 72nd Street in Pinellas County, FL. As a result, plaintiff alleged, she sustained a mini-stroke, aggravation of a L5-S1 herniation, and neck pain. Defendant denied negligence and claimed that plaintiff was herself negligent.

Nature Of Injury: Mini-stroke, aggravation of L5-S1 herniation, and neck pain; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Dennis Ray Whaley, M.D., Radiology, Lexington, KY

Verdict: ***For Defendant on April 8, 2025***.

Judgment: For Defendant on April 30, 2025.

Editor's Note: The jury found that there was no negligence on defendant's part that was a legal cause of loss, injury, or damage to plaintiff. Prior to trial, defendant offered to settle for $20,000.

Attorney Comments: According to a submission by defense counsel, defendant successfully objected to the admission of plaintiff's treatment records and trial exhibits, which limited plaintiff's evidence to her testimony and a video of the collision. ■

SEMINOLE COUNTY

(38) JORDANNA EGAN and ERICH DOMITROVITS, as Mother and Father and Next Friends of E.D., a Minor vs. DELMUS HANK DYKES and R.J.D. SERVICES, INC. (Circuit Court of Seminole County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Seminole / 2019-CA-000833 / Donna M. Goerner

Plaintiff(s) Attorney(s): John P. Fischer and Jordan Redavid of Fischer Redavid PLLC, Hollywood, FL

Defendant(s) Attorney(s): Virgil "Bill" Wright, III, and Chase Fifner of Cameron, Hodges, et al., Ocala, FL

Age/Sex/Occupation Of Plaintiff: E.D.: Minor / F / n/a

Cause Of Injury: ***Negligence/Motor Vehicle Collision/Vehicle Runs Red Light and Collides With Other Vehicles***. On April 30, 2020, plaintiffs Jordanna Egan and Erich Domitrovits, as the parents of minor plaintiff E.D., filed an amended complaint against defendants R.J.D. Services, Inc. and Delmus Hank Dykes. Plaintiffs alleged that on June 11, 2016, Egan, with E.D. as a rear-seat passenger, was driving a Mercedes east on East Airport Boulevard near the intersection with Sanford Avenue. Dyes, who was driving a Ford for his employer, R.J.D. Services, was traveling north on Sanford Avenue. Although Dykes had a red light, he ran through it and struck a second vehicle, then T-boned plaintiffs' vehicle. As a result, E.D. sustained personal injuries, including spinal, neurological, and orthopedic injuries. Plaintiffs brought claims for negligence and for vicarious liability. Defendants admitted negligence but disputed causation and damages. E.D. came of age while the litigation was pending and was substituted as plaintiff on Jan. 9, 2023.

At trial, the court granted plaintiff's motion for a directed verdict as to causation.

Nature Of Injury: Personal injuries including spinal, neurological, and orthopedic injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
Craig Lichtblau, M.D., Life Care Planning, North Palm Beach, FL
Brenda Eagan-Johnson, Ph.D., Traumatic Brain Injuries, New Castle, PA
Frederick Raffa, Ph.D., Economics, Orlando, FL

Defendant's:
Donald L. Mellman, M.D., Neurosurgery, Tampa, FL
Jason Demery, Ph.D., Neuropsychology, Gainesville, FL

Verdict: ***$2,306,454.10 for Plaintiff on Aug. 30, 2024*** *($115,454.10 – past medical expenses; $391,000 – future medical expenses; $800,000 – past pain and suffering; $1,000,000 – future pain and suffering)*.

Judgment: $2,289,381.58 for Plaintiff on March 31, 2025 (after setoffs).

Editor's Note: The court ordered that Dykes' insurer, Allstate Property and Casualty Insurance Company, would be jointly and severally liable for $57,500 of the judgment, representing the remaining portion of the policy limits. The court reserved jurisdiction to determine the amount of costs. ■

(39) MICHAEL ROBERT RICE vs. MARK RAYMOND RICE (Circuit Court of Seminole County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Seminole / 2021-CA-002840 / Donna McIntosh

Plaintiff(s) Attorney(s): D. Graham Anderson and Travis McMillen of Bogin, Munns, et al., Orlando, FL

Defendant(s) Attorney(s): Derek J. Bush and Amy Hanna of Rissman, Barrett, et al., P.A., Jacksonville, FL

Age/Sex/Occupation Of Plaintiff: 55 / M / Building Contractor

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Disputed Liability and Causation of Damages***. Plaintiff Michael Robert Rice alleged that on March 27, 2021, defendant Mark Raymond Rice, his brother, negligently operated a motor vehicle and rear-ended a motor vehicle being operated by plaintiff at the intersection of N. Country Club Road and W. Wilbur Avenue in Lake Mary, FL. Plaintiff claimed that he suffered serious injuries as a result of the collision. On Dec. 7, 2021, plaintiff filed a complaint for negligence against defendant, who denied plaintiff's allegations.

Nature Of Injury: Personal injuries.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Michael Silverstein, M.D., Orthopedics, Lecanto, FL
Joseph Kleinman, M.D., Radiology, Boca Raton, FL
Steve Rundell, Ph.D., P.E., Biomechanical Engineering, Novi, MI

Verdict: ***For Defendant on May 23, 2025***.

Editor's Note: The jury found no negligence on the part of defendant.

Defense Attorney Comments: The trial lasted five days. The defense conceded temporary injury causation from the collision, but disputed liability, permanency, and damages. ■

(40) ANGEL VILLASANA vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Circuit Court of Seminole County, 18th Judicial Circuit, Florida)

County/Docket #/Judge: Seminole / 2014-CA-000264 / Christopher Sprysenski

Plaintiff(s) Attorney(s): Michael J. Damaso II, Thomas Dennis, and Dana Alberga of Wooten, Kimbrough, et al., Orlando, FL

Defendant(s) Attorney(s): Dale T. Gobel and Lizaida Guadalupe of Gobel Flakes, LLC, Orlando, FL

Age/Sex/Occupation Of Plaintiff: n/a / M / n/a

Cause Of Injury: ***Negligence/Motor Vehicles/Rear-End Collision/Uninsured/Underinsured Motorist Benefits***. On Jan. 30, 2014, plaintiff Angel Villasana filed a complaint against defendants Brian R. Camp and State Farm Mutual Automobile Insurance Company. Plaintiff alleged that on March 4, 2010, Camp negligently operated a motor vehicle and rear-ended a motor vehicle being operated by plaintiff on Citrus Tower Boulevard near the intersection of Grand Highway in Clermont, FL. As a result, plaintiff was injured. He brought claims for negligence against Camp, which he voluntarily dismissed with prejudice in 2015, and a claim for uninsured/underinsured motorist benefits against State Farm. The caption was changed in 2023 to reflect Camp's dismissal. State Farm admitted that Camp was negligent but disputed causation and damages.

Nature Of Injury: Personal injuries; pain and suffering.

Expert Witnesses:

Plaintiff's:
n/a

Defendant's:
Michael Foley, M.D., Radiology, Tampa, FL
Steven A. Rundell, Ph.D., P.E., Engineering, Ann Arbor, MI
Steven E. Weber, D.O., Orthopedic Surgery, Orlando, FL

Verdict: ***$15,708 for Plaintiff on Feb. 16, 2023*** *(past and future medical expenses)*.

Judgment: $15,708 for Plaintiff on Dec. 11, 2023.

Editor's Note: The jury found that plaintiff did not sustain a permanent injury. On March 2, 2023, plaintiff filed a motion for new trial. Plaintiff cancelled hearings on the motion for new trial and other post-trial motions on Jan. 11, 2024. ■

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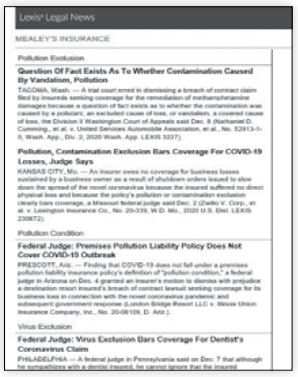
Lexis® Legal News

MEALEY'S INSURANCE

Pollution Exclusion

Question Of Fact Exists As To Whether Contamination Caused By Vandalism, Pollution

TACOMA, Wash. — A trial court erred in dismissing a breach of contract claim filed by insureds seeking coverage for the remediation of methamphetamine damages because a question of fact exists as to whether the contamination was caused by a pollutant, an excluded cause of loss, or vandalism, a covered cause of loss, the Division II Washington Court of Appeals said Dec. 9 (Nathaniel D. Cumming, , et al. v. United Services Automobile Association, et al., No. 52913-1-II, Wash. App., Div. 2, 2020 Wash. App. LEXIS 3227).

Pollution, Contamination Exclusion Bars Coverage For COVID-19 Losses, Judge Says

KANSAS CITY, Mo. — An insurer owes no coverage for business losses sustained by a business owner as a result of shutdown orders issued to slow down the spread of the novel coronavirus because the insured suffered no direct physical loss and because the policy's pollution or contamination exclusion clearly bars coverage, a Missouri federal judge said Dec. 2 (Zwillo V. Corp., et al. v. Lexington Insurance Co., No. 20-339, W.D. Mo., 2020 U.S. Dist. LEXIS 230672).

Pollution Condition

Federal Judge: Premises Pollution Liability Policy Does Not Cover COVID-19 Outbreak

PRESCOTT, Ariz. — Finding that COVID-19 does not fall under a premises pollution liability insurance policy's definition of "pollution condition," a federal judge in Arizona on Dec. 4 granted an insurer's motion to dismiss with prejudice a destination resort insured's breach of contract lawsuit seeking coverage for its business loss in connection with the novel coronavirus pandemic and subsequent government response (London Bridge Resort LLC v. Illinois Union Insurance Company, Inc., No. 20-08106, D. Ariz.).

Virus Exclusion

Federal Judge: Virus Exclusion Bars Coverage For Dentist's Coronavirus Claim

PHILADELPHIA — A federal judge in Pennsylvania said on Dec. 7 that although he sympathizes with a dentist insured, he cannot ignore that the insured

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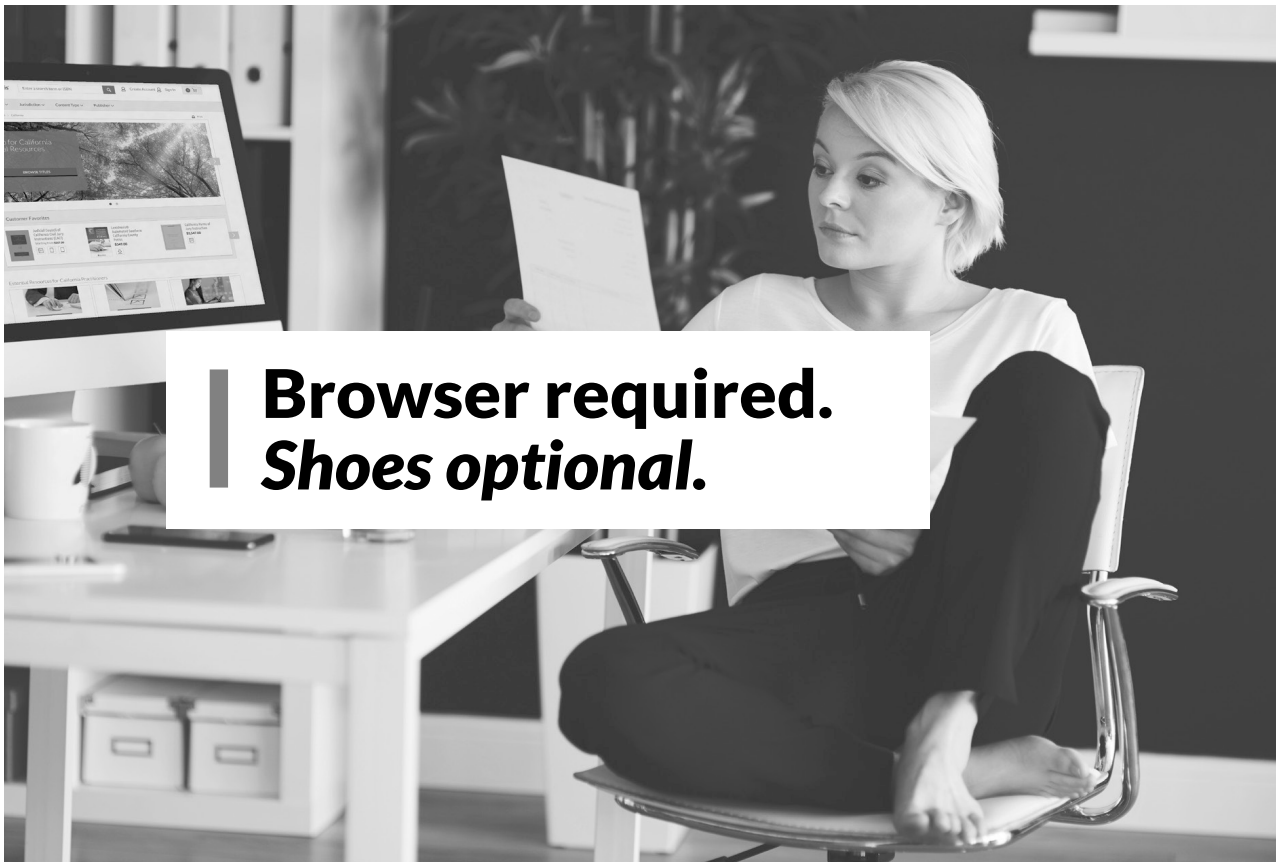

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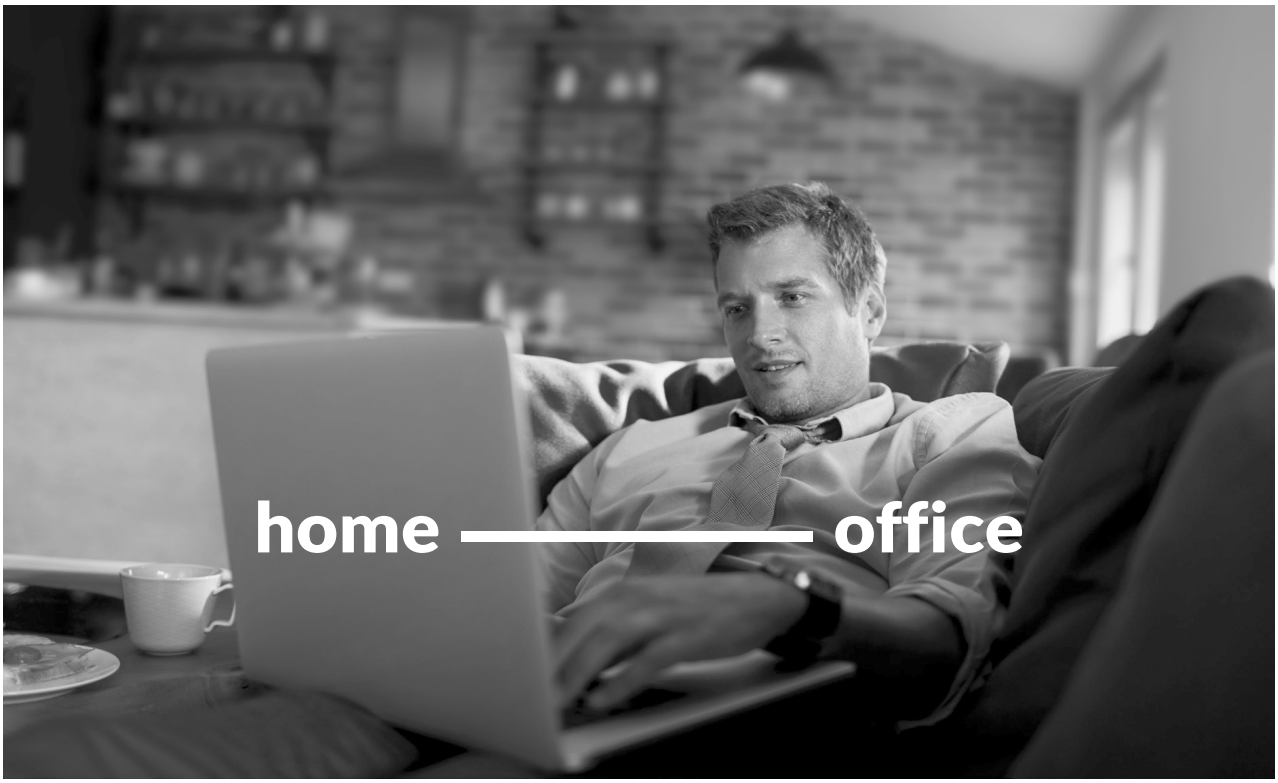

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