

**CASE INFORMATION SHEET**  
**FLORIDA LEGAL PERIODICALS, INC.**  
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**COUNTY AND COURT:**

Osceola County Civil Court

**NAME OF CASE:**

SHEILA YOUNG, as the Personal  
Representative of the Estate of  
DANNY YOUNG, deceased,

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, a foreign  
corporation,

Defendant.

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**CASE DOCKET NO.:** 2009-CA-00-1359 AN **JUDGE:** Margaret T. Waller

**PLAINTIFF(S) ATTORNEY(S)/TRIAL COUNSEL:**

Chris Jayson, Esquire  
Mark Wright, Esquire  
Jayson, Farthing, Skafidas & Wright, P.A.  
One Urban Centre  
4830 W. Kennedy Boulevard, Suite 430  
Tampa, FL 33609

**DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL:**

Vance R. Dawson, Esquire  
Jeremy T. Palma, Esquire  
Rissman, Barrett, Hurt,  
Donahue & McLain, P.A.  
201 E. Pine Street, 15th Floor  
Orlando, FL 32801

**AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:**

45 year old male/contractor

**FOR WRONGFUL DEATH CASES, PLEASE GIVE AGE AND RELATIONSHIP OF SURVIVORS:**

Sheila Young, 53 years old, wife

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

April 13, 2008 at 12:53 a.m. on Fairway Loop in Kissimmee, Florida.

**CAUSE OF INJURY:**

The accident occurred in the decedent's neighborhood. The decedent crashed his 2003 Harley Davidson motorcycle into the rear of a 2007 Toyota Sedan that was owned by the alleged tortfeasor, Maria Piotto.

Ms. Piotto's vehicle was illegally parked on the side of the road in the residential neighborhood. Ms. Piotto had never been to the neighborhood before the night of the accident. She did not see the "no parking" sign when she parked the vehicle.

The decedent lost control of his motorcycle and skidded for approximately 100 feet, prior to striking the rear of Ms. Piotto's vehicle. Accident reconstruction experts estimated the speed of the motorcycle at 35 to 45 mph at the time of impact.

The speed limit was 30 mph.

An autopsy was completed on the decedent. Both blood and vitreous fluids were drawn to measure drug and alcohol content. The testing for blood alcohol content in Mr. Young's specimens indicated values of 0.170 and 0.187, and were converted into blood alcohol contents of .17% and .187%, respectively.

**NATURE OF INJURY:**

Death.

**PLAINTIFF'S EXPERT WITNESSES:**

Donald J. Fournier, Jr.  
Forensic Engineering Technologies, LLC.  
255 Primera Boulevard, Suite 128  
Lake Mary, FL 32746

Mr. Fournier testified as to the speed of the motorcycle at the time of impact. Mr. Fournier indicated the speed limit was 30 miles per hour (mph) and his analysis indicated the speed of the motorcycle, as it began to make the skid marks, was within a range of 34 to 39 mph.

Mr. Fournier reported the speed at impact was 30 to 35 mph and the left side of the motorcycle struck the right rear of Ms. Piotto's car. Mr. Fournier testified the physical evidence was consistent with a rider attempting to evade an object by fully "laying the motorcycle down on its side."

Mr. Fournier stated that if Ms. Piotto's car had not been parked, Mr. Young would have slid into the grass and that there was no other large inanimate object located in what would have been Mr. Young's path of travel had the vehicle not been present.

**DEFENDANT'S EXPERT WITNESSES:**

Barry C. Funck  
Forensic Strategies  
7043 Standing Pines Lane  
Tallahassee, FL 32312

Mr. Funck is a toxicology expert. He testified within the field of toxicology and as to human factors.

Mr. Funck testified about the reliability of the blood alcohol test and the vitreous fluid test. There was no evidence to suggest that the test results were anything but reliable. Plaintiff did not have an expert who critiqued the reliability of the results. Moreover, Mr. Funck testified as to the level of impairment that the decedent was suffering from as a result of the .187% and .170% vitreous fluid and blood alcohol tests.

Mr. Funck testified that the decedent was significantly impaired. Specifically, the decedent's impairment adversely affected his psychomotor skills, depth of field, perception reaction time and decision making.

Mr. Young had trace amounts of opiates, which his wife admitted came from the Oxycodone he had been taking, and Mr. Young's blood alcohol level, from both the blood sample and vitreous eye sample, was over two times the legal limit.

**DATE OF TRIAL:**

September 19, 2011

**CHECK APPROPRIATE SPACE:**          √     Verdict

**DATE OF VERDICT:**

September 23, 2011

**VERDICT:**

Defense verdict.

**COMPARATIVE NEGLIGENCE:**

N/A

**JUDGMENT:**

For State Farm Mutual Automobile Insurance Company.

**DATE OF JUDGMENT:**

October 10, 2011

**DEFENDANT'S OFFER:**

None.

**PLAINTIFF'S DEMAND:**

\$2,630,000

**ATTORNEY'S COMMENTS:**

Suit was brought against the tortfeasor and State Farm in its underinsured capacity. The tortfeasor's insurer settled for its limits of \$25,000. State Farm never made an offer.

The jury determined that Maria Piotto, the underinsured tortfeasor, was not negligent for parking in a "no parking" zone on the night of the accident. The night of the accident was Ms. Piotto's first visit to the neighborhood.

Ms. Piotto testified that she did not see any "no parking" signs when she parked on the "wrong" side of the road. Additionally, Ms. Piotto testified that she saw other vehicles parked on the "wrong" side of the road when she parked her vehicle.

Mr. Young had lived in the neighborhood for multiple years. It was estimated that Mr. Young had driven in the neighborhood approximately 3,000 times prior to the date of the accident.

The intoxication affirmative defense was asserted. If the defense was able to establish that Mr. Young had a blood alcohol content of .08 or higher and was more than 50% at fault for the accident, that would bar recovery by the estate. Plaintiff's counsel suggested during closing argument that Ms. Piotto and Mr. Young were both 50% at fault for causing the accident.

Trial lasted five days. The jury deliberated for six hours, 55 minutes over two days before returning the defense verdict. The jury concluded Maria Piotto was not negligent.

**Submitted** Vance R. Dawson **Date:** January 16, 2012  
**By:** Jeremy T. Palma

**Firm:** Rissman, Barrett, Hurt, Donahue  
& McLain, P.A.

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VRD/JTP/tsn/sac/tsn