

CASE INFORMATION SHEET
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COUNTY AND COURT:

Lake County, Tavares, Florida.

NAME OF CASE:

SAKEENA L. NIX,

Plaintiff,

v.

DONALD SECOR,

Defendant

CASE DOCKET NO.: 09-CA-3227

JUDGE: Don F. Briggs

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

Jeremy Markman, Esquire
941 Lake Baldwin Lane
Suite 101
Orlando, Florida 32814

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

Vance R. Dawson, Esquire
201 East Pine Street
15th Floor
Orlando, Florida 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

32 year-old unemployed female

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

This was a personal injury action brought by Plaintiff, Sakeena L. Nix, who allegedly was injured as a result of a rear-end collision on April 23, 2008.

The automobile accident occurred in the Home Depot parking lot located at 10825 US Highway 441 Leesburg, Florida 34788. Plaintiff's car was in front of Defendant's car where they were both waiting to exit the parking lot.

In this particular spot only right turns are allowed. Defendant saw Plaintiff's car move and assumed the vehicle had **departed**. Defendant then looked left and took his foot off of the brake and made contact with Plaintiff's bumper.

CAUSE OF INJURY:

Auto Accident

NATURE OF INJURY:

Neck and back pain

Plaintiff's first treatment after the accident was on April 30, 2008, 7 days later, when she treated with her OB/GYN (primary care physician. At that time, Plaintiff did not complain of neck or back pain nor did she mention the automobile accident.

Plaintiff's first emergency room visit on May 7, 2008, 14 days later, was not with regard to this accident, but seemingly as a result of some bleeding that the patient had experienced. She had complaints of numbness and shooting pains in her arms secondary to a dental visit that she had had one week prior.

Plaintiff then treated on May 7, 2008, 14 days after the accident, at the Florida Hospital Apopka emergency room for

complaints of numbness and tingling in her arms, back pain and blood in her urine. Again, Plaintiff did not mention the automobile accident and she specifically denied having any neck pain.

The next treatment Plaintiff had was on May 12, 2008 when she returned to her primary care physician, Dr. Christopher. At that time, Plaintiff finally mentioned having been involved in an automobile accident and Dr. Christopher ordered a magnetic resonance imaging (MRI study) of the Plaintiff's cervical spine.

The MRI was performed on May 15, 2008 and, according to the radiologist Dr. Bright Hsing-Yu Wong, demonstrated a herniation at C3. This MRI was later over-read by Defendant's expert witness, Michael Foley, M.D., as indicative of a protrusion but not an **extrusion**.

Plaintiff presented to Florida Sports Medicine on **December 9, 2009**, 1 year, 7 months after the accident. The records included an outpatient history form completed by Plaintiff. Her chief complaints included neck, wrist and back pain. She advised that these symptoms had begun in May 2008. She attributed these complaints to the automobile accident in May 2008.

PLAINTIFF'S EXPERT WITNESSES:

John F. Heilgenthal, D.C.
Lake Health Care Center
910 Mount Homer Road
Eustis, Florida 32776

Michael K. Herron, M.D.
Radiologist
Diagnostic Outpatient Center
2603 Kurt Street
Eustis, Florida 32776

DEFENDANT'S EXPERT WITNESSES:

Michael J. Foley, M.D.
Radiographic Consultants
11300 4th Street North, Suite 140
St. Petersburg, FL 33716

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

January 11, 2011

VERDICT:

Defense Verdict

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

Final Judgment for Defendant

DATE OF JUDGMENT:

February 4, 2011

DEFENDANT'S OFFER:

January 13, 2010 Proposal for Settlement in the amount of \$7,501

PLAINTIFF'S DEMAND:

July 10, 2010 Proposal for Settlement in the amount \$10,000
Plaintiff's counsel made no specific demand at closing.

ATTORNEY'S COMMENTS:

The jury returned a verdict and concluded Mr. Secor's negligence, as admitted, in this rear-end collision, was not the proximate cause of any damages (economic nor intangible) to the Plaintiff.

Plaintiff incurred \$10,500 in medical expenses including electromyography, chiropractic, a second MRI performed in April 2009 as well as a neurosurgical consult with Dr. Masan. The jury concluded that her \$10,500 in medical expenses were not causally related to this accident.

The jury returned a defense verdict after 35 minutes of deliberation. Pursuant to Defendant's Proposal for Settlement, a motion to tax fees and costs is pending.

Submitted Vance R. Dawson **Date:** March 24, 2011
By:

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

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