

CASE INFORMATION SHEET  
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**COUNTY AND COURT:**

Okeechobee County, Florida  
Civil Court

**NAME OF CASE:**

JOHNNY SOLOMON, RAYMOND LAPOINTE and JOANN LAPOINTE,

Plaintiffs,

v.

MARY ODOM and JUSTIN C. LEWIS,

Defendants

**CASE DOCKET NO.:** 2008-CA-203

**JUDGE:** Larry Schack

**PLAINTIFF(S) ATTORNEY(S)/TRIAL COUNSEL** [full names, firm and city]:

Gerald Lefebvre, Esquire  
Law Offices of Gerald Lefebvre  
1910 S. Parrott Avenue  
Okeechobee, FL 34974

**DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL** [full names, firm and city]:

Juan A. Ruiz, Esquire  
Rissman, Barrett et al.  
201 E. Pine Str., 15th Floor  
Orlando, FL 32801

**AGE/SEX/OCCUPATION OF PLAINTIFFS OR DECEDENT** [at time of accident or occurrence]:

Johnny Solomon was a 39 year old white male who was working at Pilot Catastrophic Services based in Mobile, Alabama at the time of the subject accident.

Raymond LaPointe was a 58 year old white male who had been self-employed since 1999 performing boat repairs on canvas boats at the time of the subject accident.

Joann LaPointe was a 65 year old white female who was not employed at the time of the subject accident.

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

Not applicable.

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

On February 2, 2008 at 6:45 p.m., Plaintiff, Raymond LaPointe, was operating a 1992 Cadillac Eldorado southbound on U.S. 98 in Okeechobee, Florida. Plaintiff, Johnny Solomon, was seated in the front passenger seat of that same vehicle. Plaintiff, JoAnn LaPointe, was seated in the left rear passenger seat of Mr. LaPointe's 1992 Cadillac Eldorado.

At the same time, Defendants, Justin Lewis and Mary Odom, were returning to a friend's house from a rodeo in Okeechobee travelling southbound on U.S. 98. Mr. Lewis was driving a 3/4 ton GMC pick-up truck owned by Ms. Odom and was pulling a 30 ft. horse trailer carrying three horses. As Mr. Lewis approached their friend's house, he pulled the pick-up truck and horse trailer off the side (west) of the road. Mr. Lewis was preparing to back the horse trailer into their friend's driveway (west side) and was waiting for traffic to clear.

According to Mr. LaPointe, as he approached the area on U.S. 98 where Mr. Lewis and Ms. Odom were located in the pick-up truck on the side of the road, he claimed that the pick-up truck driven by Mr. Lewis "lurched" out eastward into the southbound lane of U.S. 98. Mr. LaPointe claimed that despite an attempt to swerve out of the way to miss the pick-up truck that was "backing up", he struck the pick-up truck on the left rear bumper.

According to Mr. Lewis, at all times before, during and after the subject accident, the pick-up truck he was driving remained off the side of the road to the right (west) of the right shoulder indicator line. At no time was there any portion of the pick-up truck in the southbound lane of travel.

**CAUSE OF INJURY:** [factual description including allegations and defenses on liability]:

Mr. LaPointe claimed to have suffered a chest contusion as a result of the deployment of the airbag in his vehicle. Mr. Solomon claimed to have suffered a soft tissue injury to his cervical and lumbar spine. Additionally, he claimed that a steel rod in his right lower leg, which had been previously placed from an unrelated fracture, was broken, causing his right fibula to refracture. Ms. LaPointe claimed to have suffered a soft tissue injury to her cervical and lumbar spine.

**NATURE OF INJURY** [please be specific concerning injuries, treatment and medical testimony]:

Mr. LaPointe's claimed injury was minor in nature. His treating orthopedic surgeon, Dr. Bradford Slutsky, testified at trial that Mr. LaPointe had suffered no permanent injury and had fully recovered from his chest contusion.

Mr. Solomon claimed that as a result of the soft tissue injury to his cervical and lumbar spine, he was unable to work as much as he had previously. He also claimed that the fractured metal rod on his right fibula, as well as the "re-fracture" of his right fibula, caused him significant pain and discomfort. That pain caused him to live in permanent discomfort and prevented him from placing any significant amount of weight on his right leg.

Ms. LaPointe claimed that as a result of the soft tissue injury to her cervical and lumbar spine, she was unable to perform any household duties. She had to sleep in a recliner every night as a result of the pain caused by the cervical and thoracic injuries.

Mr. LaPointe had no past significant medical history. He had no significant treatment for his alleged injury.

Ms. LaPointe had been in a prior motor vehicle accident in 2006. At that time, she was the driver of a vehicle involved in a t-bone accident. She had gone to a hospital for injuries to her

cervical and thoracic spine. She underwent conservative chiropractic treatment similar to the treatment provided by Dr. Slutsky.

Mr. Solomon had been in approximately five automobile accidents prior to the February 5, 2008 automobile accident. In fact, he had fractured his right fibula as a result of an automobile accident that occurred some time in 2000. Mr. Solomon had been seen at the emergency room prior to February 2, 2008 for treatment of a lower back strain, as well as neck and shoulder problems.

**PLAINTIFF'S EXPERT WITNESSES** [include full name, degree, specialty and city]:

Ralph Aronberg  
Accident Reconstructionist  
Ft. Lauderdale, FL

At trial, Mr. Aronberg testified that the force of impact between the 3500 lb. Cadillac Eldorado operated by Mr. LaPointe and the 15,000 lb. pick-up truck, horse trailer and horses was sufficient to move the pick-up truck and horse trailer containing three horses from the point of impact which, according to Mr. Aronberg, was 4 ft. into the southbound lane, to its final resting place, approximately 1 ft. to the right of the white shoulder line. This was based upon Mr. Aronberg's calculation that Mr. LaPointe's vehicle was travelling at approximately 55 mph to 60 mph.

Bradford Slutsky, M.D.  
Orthopedic Surgeon  
Okeechobee, FL

Plaintiffs' treating orthopedic surgeon, Dr. Slutsky, testified that the totality of Plaintiffs' injuries was caused by the subject accident. However, he could not state more likely than not whether the metal rod in Mr. Solomon's right lower leg was, in fact, fractured as a result of the subject accident. In fact, Dr. Slutsky agreed that the metal rod could have been broken at a time prior to the subject accident.

**DEFENDANT'S EXPERT WITNESSES** [include full name, degree, specialty and city]:

Donald Fournier, Jr.  
Accident Reconstructionist  
Lake Mary, FL

Defendants' accident reconstruction expert, Mr. Fournier, disagreed with Mr. Aronberg's theory. Mr. Fournier pointed out that in order for Mr. LaPointe's vehicle to have moved the pick-up truck and horse trailer operated by Mr. Lewis the distance postulated by Mr. Aronberg, Mr. LaPointe's vehicle would have to have been traveling 90 mph to 95 mph.

Michael Zeide, M.D.  
Orthopedic Surgeon  
Boynton Beach, FL

Defendants' orthopedic surgery expert, Dr. Zeide, testified that no permanent injuries were suffered by any of the three Plaintiffs as a result of the subject accident. Additionally, Dr. Zeide testified that the metal rod in Mr. Solomon's right lower leg had been fractured many years prior to the occurrence of the subject accident as a result of "non-union" of Mr. Solomon's right distal fibula fracture. That non-union had caused "micro stress" on that metal rod, ultimately causing it to break at a time well before the subject accident occurred.

**CHECK APPROPRIATE SPACE:**         X Verdict

**DATE OF VERDICT:**

April 22, 2010

**VERDICT:**

Defense verdict

**COMPARATIVE NEGLIGENCE** [if applicable]:

Not applicable.

**JUDGMENT:**

For Defendants.

**DATE OF JUDGMENT:**

July 22, 2010.

**DEFENDANTS' OFFER:**

At mediation, which was held on July 10, 2009, Defendants offered \$2,500 globally. Defendants did not serve Proposals for Settlement upon Plaintiffs in order to avoid any of Plaintiffs accepting such proposals. This strategy was employed so all three Plaintiffs would be present at trial and potentially would have contradictory statements and theories of the case.

**PLAINTIFFS' DEMAND:**

Johnny Solomon: \$40,000.

Raymond LaPointe: \$10,000.

Joann LaPointe: \$25,000.

**ATTORNEY'S COMMENTS:**

Plaintiffs' counsel entered the February 2, 2008 accident report into evidence at trial, without objection. This was significant in that the investigating officer, Trooper David Cox of the Florida Highway Patrol, had cited Mr. LaPointe for the occurrence of the subject accident. Additionally, Trooper Cox had written in his narrative report that the major contributing factor to the subject accident was Mr. LaPointe's driving.

Over Plaintiffs' counsel's objection, Trooper Cox was questioned with regard to his observations and determination of fault at the accident scene. Additionally, during direct examination, Mr. LaPointe admitted that he was cited for the occurrence of the subject accident by Trooper Cox. Mr. LaPointe then agreed on cross examination that based upon Trooper Cox's observations and investigation, the primary contributing cause of the subject accident was his own careless driving.

Submitted By: Juan A. Ruiz Date: August 11.  
2010

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