

CASE INFORMATION SHEET
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COUNTY AND COURT:

Orange County, County Court

NAME OF CASE:

LYNN HAYWARD v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

CASE DOCKET NO.: 2009-CC-13181 **JUDGE:** Deborah B. Ansbro

PLAINTIFF'S ATTORNEYS/TRIAL COUNSEL:

Joseph M. DeFranco, Esquire
Brian McClain, Esquire
Morgan & Morgan, P.A.

DEFENDANT'S ATTORNEYS/TRIAL COUNSEL:

Vance R. Dawson, Esquire
Laura F. Lytle, Esquire
Rissman, Barrett, Hurt, Donahue & McLain, P.A.

AGE/SEX OF PLAINTIFF OR DECEDENT:

At the time of the incident Plaintiff Lynn Hayward was a 45 year old female.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

The subject motor vehicle accident occurred at 7:32 p.m. on November 30, 2008 at the intersection of Hiawassee Road and Old Winter Garden Road in Orlando, Florida.

CAUSE OF INJURY:

Property Damage

PLAINTIFF'S EXPERT WITNESSES:

Jay Zembower

DEFENDANT'S EXPERT WITNESSES:

N/A

OUTCOME:

Notice of Voluntary Dismissal With Prejudice

DATE OF VOLUNTARY DISMISSAL WITH PREJUDICE:

October 5, 2011

JUDGMENT:

Final Judgment of Dismissal With Prejudice against Plaintiff.

DATE OF JUDGMENT:

October 17, 2011

DEFENDANT'S OFFER:

Defendant had previously filed a Proposal for Settlement in the amount of \$500.

PLAINTIFF'S DEMAND:

Plaintiff claimed damages in the amount of \$11,396.16. Plaintiff spent \$4,500 on her property damage expert. Had Plaintiff prevailed, she would have been entitled to attorney's fees, pursuant to F.S. § 627.428. As of November 2010, opposing counsel claimed he had incurred 143 hours in attorney's fees at \$325/hour, or \$46,475.

ATTORNEY'S COMMENTS:

Lynn Hayward brought suit against State Farm, her automobile insurer, claiming that State Farm breached its contract of insurance with her when it denied coverage for property damage

to her vehicle which she claimed was sustained in a November 30, 2008 motor vehicle accident. State Farm had denied coverage on the grounds that the damage was not caused by the accident.

During cross-examination, Plaintiff testified she still owned the vehicle which was the subject of the claim. On a proffer after Defendant's Motions for Directed Verdict, Plaintiff was confronted with a CarFax report regarding the vehicle which demonstrated that the vehicle had been repossessed in 2010. The judge noted that Plaintiff had perjured herself.

While the court was in recess and before the judge made a ruling as to sanctions, Plaintiff agreed to dismiss her case with prejudice, each party to bear their own costs and fees.

Submitted Vance R. Dawson **Date:** November 1, 2011
By: Laura F. Lytle

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

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