

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

IN THE CIRCUIT COURT OF THE 18TH
JUDICIAL CIRCUIT, IN AND FOR
OSCEOLA COUNTY, FLORIDA

NAME OF CASE:

ROBERT C. EATON and SANDRA L. EATON, his wife,

Plaintiffs,

v.

JOHN P. GOLDSMITH; PATRICIA GOLDSMITH;
MELINDA J. TODD; and PATRICIA TODD;
STATE FARM FIRE & CASUALTY INSURANCE COMPANY
and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendants.

CASE DOCKET NO.: 2009-CA-1508-AN

JUDGE: Jeffrey M. Fleming

ATTORNEYS FOR PLAINTIFFS:

Kevin S. Cannon, Esquire
Law Office of Kevin Cannon
Post Office Box 3151
Orlando, FL 32802-3151
Attorney for Plaintiffs,
ROBERT C. EATON and
SANDRA L. EATON

Joseph E. Boatwright, Esquire
Billings, Morgan & Boatwright, LLC
399 Carolina Avenue
Suite 100
Winter Park, FL 32789
Attorney for Plaintiffs,
ROBERT C. EATON and
SANDRA L. EATON

ATTORNEYS FOR DEFENDANTS:

Vance R. Dawson, Esquire
Susan R. Fuller, Esquire
Rissman, Barrett, Hurt, Donahue
& McLain
201 E. Pine Street, 15th Floor
Orlando, FL 32801
Attorneys for Defendants,
JOHN P. GOLDSMITH and
PATRICIA GOLDSMITH

Paul M. Thompson, Esquire
Thompson & Evangelo, P.A.
234 N. Westmonte Drive Suite 3000
Altamonte Springs, FL 32714
Attorneys for Defendants,
MELINDA TODD and
PATRICIA TODD

AGE/SEX/OCCUPATION OF PLAINTIFFS:

49 year-old unemployed male
48 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 Plaintiffs, Robert Eaton and his wife, Sandra Eaton. Mr. Eaton was allegedly injured as a result of a rear-end collision on February 11, 2005. His wife brought a consortium claim.

The automobile accident occurred as Mr. Eaton's vehicle was situated southbound at a stop light at the intersection of Narcoossee Road and S.R 192 in St. Cloud, Florida. Defendant Goldsmith was stopped eastbound in the exit lane of Winn Dixie which was situated approximately 500 feet north of S.R. 192. Defendant Todd was southbound on Narcoossee Road in the right turn lane approaching the Winn Dixie intersection.

As Defendant Goldsmith attempted to enter the intersection, the front bumper of his vehicle impacted the right rear of

Defendant Todd's vehicle causing it to spin and collide with Plaintiff's vehicle. The rear of Defendant Todd's vehicle struck the rear of Plaintiff's vehicle.

CAUSE OF INJURY:

Rear end auto accident

NATURE OF INJURY:

Mr. Eaton alleged injury to his back. He presented to the emergency room on the date of the accident with complaints of low back and neck pain. Cervical and lumbar x-rays showed no evidence of fracture. There was spondylolisthesis at L5-S1 and degenerative disc disease.

Over the next six years, Mr. Eaton treated conservatively with pain medicine specialist Dr. Richard Smith. On November 23, 2010, Dr. Jonathan Greenberg performed a L4 laminectomy and a L4-5 diskectomy.

PLAINTIFFS' EXPERT WITNESSES:

Elliott L. Stern, Ph.D.
Accident Reconstructionist
6708 Benjamin Road
Suite 500
Tampa, FL 33634

Richard Ramnath, M.D.
Radiologist
255 South Sykes Creek Parkway
Merritt Island, FL 32952

John H. Russell, Ph.D.
Vocational Rehabilitation Live Care Planner
Melbourne Harbor Office and Marina Building
2210 Front Street
Suite 203
Melbourne, FL 32901

Frederick A. Raffa, Ph.D.
Economist
17 South Osceola Avenue
Suite 200
Orlando, FL 32801

DEFENDANTS' EXPERT WITNESSES:

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

Robert L. Murrah, M.D.
Murrah Orthopedics
121 West Underwood Street
Orlando, FL 32806

CHECK APPROPRIATE SPACE: xx Verdict

DATE OF VERDICT:

October 19, 2011

VERDICT:

Plaintiffs verdict for \$14,410 for past medicals.
Defendant Goldsmith was found 70% negligent.
Defendant Todd was found 30% negligent.

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

Final Judgment for Plaintiffs

DATE OF JUDGMENT:

Not yet known.

DEFENDANTS' OFFER:

April 5, 2010 Proposals for Settlement in the amount of \$10,001 and \$9,900 in behalf of Patricia Goldsmith and John Goldsmith, respectively.

PLAINTIFFS' DEMAND:

Plaintiffs demanded \$750,000 at mediation. Plaintiffs asked for \$2 million in closing argument.

ATTORNEY'S COMMENTS:

Patricia Goldsmith and Patricia Todd were dismissed from the case prior to trial.

Plaintiff had a significant history of pre-existing back pain beginning when he was rear ended by a semi truck in 1986. Medical records also indicate that Plaintiff reported being in a second auto accident in 1995. Plaintiff was inconsistent when reporting back pain to his physicians throughout the years and did not make a credible witness. Plaintiff had \$189,000 in medical expenses. The jury was out for less than two hours.

There is a \$10,000 PIP setoff as well as \$5,000 paid by State Farm in behalf of Ms. Goldsmith, the owner of the vehicle, who had previously settled her liability in the case. When the PIP setoff of \$10,000 and the State Farm payout of \$5,000 are subtracted from Plaintiffs' \$14,410 verdict, Plaintiffs are left with an award of a negative \$590. Therefore, Defendants were the prevailing parties at trial before the proposal for settlement is even taken into consideration.

A proposal for settlement in the amount of \$9,900 was filed in behalf of Mr. Goldsmith to Plaintiff, Robert C. Eaton.

A Motion for Post-Trial Setoffs and Collateral Source Setoff, as well as a Motion to Tax Fees and Costs have been filed. Mr. Thompson, counsel for co-defendants, has filed the same motions on behalf of the Todds.

Submitted Vance R. Dawson **Date: November 22, 2011**
By: Susan R. Fuller

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

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