

CASE INFORMATION SHEET
FLORIDA LEGAL PERIODICALS, INC.
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COUNTY and COURT: Circuit Court, Sixth Judicial Circuit, Pinellas County, Florida.

NAME OF CASE: Deborah B. Peterson v. Teleflex Incorporated, a Delaware corporation, and Keith A. Cinis

CASE/DOCKET NO.: 07-8576-CI-15 **JUDGE:** Douglas Baird

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

Patrick A. Davis, Esquire
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DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL:

J. Greg Giannuzzi, Esquire
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Tampa, Florida 33609
Attorneys for Teleflex, Inc. and Keith A. Cinis

AGE/SEX/OCCUPATION OF PLAINTIFF or DECEDENT:

Forty-three year old female, assembly line worker.

For WRONGFUL DEATH cases, please give age and relationship of survivors:

Not applicable.

DATE, TIME and PLACE OF ACCIDENT or OCCURRENCE:

The accident occurred on September 15, 2003 at a Cumberland Farms convenience store in Pinellas County, Florida.

CAUSE OF INJURY:

Keith A. Cinis was driving a work vehicle at the time of the accident. He was in a parking spot directly in front of a Cumberland Farms convenience store. Mr. Cinis, after looking in both side view mirrors and the rearview mirror, turned to look through the back window and began to back out of his parking space at idle speed. Mr. Cinis never put his foot on the gas pedal.

Plaintiff testified that Mr. Cinis had backed up at least one and a half car lengths, slamming into the driver's side door of her vehicle. Plaintiff testified that her vehicle was not moving at the time and described the collision as a T-bone collision.

Mr. Cinis's vehicle sustained minor damage to the back left corner of the bumper and the Plaintiff's vehicle sustained minor crush damage to the driver's side door.

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

Plaintiff listed a host of injuries, including wrists, both knees, TMJ, neck, back, both shoulders, fingers, left hip and loss of hearing.

Plaintiff's trial testimony centered on the carpal tunnel injury as well as the injury to both knees, focusing on the need for future surgeries for those injuries. Further, Plaintiff testified that she had not been able to work at all since the accident and claimed a loss of past and future wages since the date of the accident.

MRI reports showed minor disc bulging at L4-L5 and L5-S1, and degenerative changes. Other than degenerative changes, there was nothing of note on the cervical and thoracic MRI's.

Plaintiff had been involved in four prior accidents during the 8 years before the subject accident. She had also been involved in a subsequent accident 7 weeks

later on November 3, 2003. She was the front car in a rear-end accident with more property damage than the subject accident.

PLAINTIFF'S TREATING PHYSICIAN WITNESSES:

1. Peter Doran, D.C.

Chiropractor Doran opined that the Plaintiff had acute cervical, thoracic, and lumbar sprain strains. He opined that the carpal tunnel and knee injuries were both related to the subject accident. When confronted with the fact that the Plaintiff was in a subsequent motor vehicle accident on November 3, 2003, Doran testified that there had been no new injuries to note. Due to the fact that Doran made no notation anywhere in his notes regarding the November 3, 2003 accident, he appeared evasive and, therefore, was not very credible.

Doran also testified that the carpal tunnel injuries were directly related to the September 15, 2003 accident. He completely ignored the fact that the Plaintiff had an assembler position with Baxter Health Care for over sixteen years. In that position she was continuously doing repetitive movements with her hands. She had various titles for "assembly" for sixteen straight years and the attempt to explain it away and relate it to a singular side impact at idle speed was not credible.

2. John Sullivan, M.D.
Board Certified Orthopedic Specialist

Dr. Sullivan testified that the "blunt trauma" to the Plaintiff's knees appeared to be related to the September 15, 2003 accident. Again, Dr. Sullivan was never made aware of the November, 2003 accident. Further, his first evaluation of the Plaintiff came after the subsequent November 3, 2003 rear-end collision accident.

Dr. Sullivan made a very good witness; however, the fact that he was not aware of the second accident detracted from any possible credibility in attempting to relate the knee injuries to the subject accident. Further, Dr. Sullivan continued to ignore the Plaintiff's sixteen years of assembly work at Baxter as being the primary cause for carpal tunnel issues.

DEFENDANT’S EXPERT WITNESS:

1. Dr. John Shim
Board Certified Orthopedic Specialist
Florida Sports Orthopedic & Spine Medicine
3890 Tampa Road
Suite 202
Palm Harbor, FL 34684

Dr. Shim presented very well. Giving the Plaintiff the benefit of the doubt, he testified that she may have suffered minor soft tissue injury from the September 15, 2003 accident. He testified that the carpal tunnel was due to her working at Baxter for the sixteen years leading up to September 15, 2003 in a position that required repetitive hand movement.

She also had significant pre-existing neck, back and knee problems that were unrelated to the subject accident. Plaintiff had had at least four prior accidents in the twelve years preceding September 15, 2003. Further, he was able to testify that the rear-end accident on November 3, 2003 would have been more likely to have caused her knee injuries than the September 15, 2003 accident.

VERDICT: Defense verdict.

DATE OF VERDICT: October 22, 2009.

JUDGMENT: For Teleflex, Inc. and Keith A. Cinis.

DATE OF JUDGMENT: October 30, 2009.

DEFENDANT’S OFFER:

Proposal for Settlement was filed in the amount of \$20,000. Defendant made a subsequent offer, just prior to trial, of \$22,500.

PLAINTIFF’S DEMAND:

Prior to trial Plaintiff filed a proposal for settlement for \$55,000. At trial, Plaintiff asked the jury to award it at least \$1.3 million.

ATTORNEY'S COMMENTS:

The outcome of this case likely rested solely on credibility. Plaintiff did not appear credible based on her over dramatization of an idle speed side impact collision. Further, Plaintiff was not truthful regarding the extent of injuries from her prior four accidents nor from her subsequent accident that occurred seven weeks after the September 15, 2003 accident.

Chiropractor Doran also appeared not to be credible as he made absolutely no notation of the subsequent accident and tried to minimize it as immaterial in court. Last, none of the prior accidents nor the subsequent accident were made known to the Plaintiff's orthopedic physician, Dr. Sullivan.

Submitted by: Paul B. Fulmer III, Esquire Date: January 9, 2010

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