

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

Brevard County Circuit Court

NAME OF CASE:

LORRIE MORRIS,

Plaintiff,

v.

PUBLIX SUPER MARKETS, INC.,

Defendant

CASE DOCKET NO.: 05-2008-CA-33408 **JUDGE:** Robert A. Wohn, Jr.

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

Gary Smith, Esquire
Gary Smith, LLC,
Melbourne, FL

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

Art C. Young, Esquire
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
Orlando, Florida

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

48 year old female, Sales Manager Assistant with Krispy Kreme

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

May 22, 2006, Publix Super Market, 270 E. Eau Gallie Blvd., Indian Harbour Beach, FL 32937

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

The accident occurred in the storeroom in the rear of the store. Plaintiff was a Krispy Kreme vendor. A Publix employee was pushing a trolley with a stack of containers on it that were full of merchandise when an employee hit the display rack causing the stack of containers to fall and strike plaintiff's left wrist.

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

Immediately following the incident, Mrs. Morris treated with family practitioner, Victor Arana, M.D. She complained of injury to the outer portion of her wrist (small finger side). A subsequent MRI of her left wrist tendon was obtained which revealed no evidence of acute injury. Dr. Arana diagnosed Mrs. Morris with de Quervain's syndrome and ordered physical therapy.

Approximately one year later, Mrs. Morris presented to orthopedist Hani El Kommos, M.D. Dr. El Kommos diagnosed Mrs. Morris with tendonitis and suggested that she have a repeat MRI performed. In March 2008, Mrs. Morris received an MRI which revealed tendon tears and fluid build up in her wrist. Dr. El Kommos referred Mrs. Morris to orthopedic surgeon, Dr. John Hermansdorfer.

Mrs. Morris presented to Dr. Hermansdorfer on May 19, 2008. Based on his review of the MRI, Dr. Hermansdorfer recommended and performed first dorsal compartment release surgery which was partially successful according to Mrs. Morris' testimony. After surgery, Mrs. Morris underwent eight weeks of therapy.

Mrs. Morris later began to experience weakness and pain in her left wrist which was causing typing problems. X-rays of Mrs. Morris' left wrist were taken on December 15, 2008 which revealed changes of early arthritis in the bones, throughout the wrist, and also at the MP joint of the thumb. Dr. Hermansdorfer indicated that the arthritic changes in Mrs. Morris' wrist were likely to follow a natural progression pattern.

Dr. Hermansdorfer testified that all of her wrist complaints and his surgery were related to the Publix accident. He gave Mrs. Morris a 3% permanent impairment.

Mrs. Morris indicated that she experiences pain every day in her left hand and wrist. She also indicated that her mental condition was stressed because of the pain and her inability to use her hand to full capacity. Mrs. Morris claimed to Dr. Hermansdorfer that due to her left hand and wrist hurting and being weak, her right hand felt very stressed and weak from overuse. Dr. Hermansdorfer provided no treatment for the right wrist complaints.

Dr. Macksoud, Publix's hand surgery expert, testified that based on the accident dynamics, Plaintiff could not have incurred de Quervain's syndrome secondary to the accident. He testified that the surgery was unrelated to the accident. Dr. Macksoud indicted that de Quervain's syndrome is most often caused by repetitive trauma such as typing. Traumatically induced de Quervain's syndrome requires a direct blow to the opposite side (thumb side) of the wrist and the symptoms would be immediate, unlike the week delay exhibited by Plaintiff.

Dr. Arana's deposition was read to the jury. He testified that her de Quervain's syndrome diagnosis was unrelated to the accident at Publix. He would have expected her symptoms to have resolved within about six weeks post-accident.

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

John Hermansdorfer, M.D. Orthopedic Surgeon
Melbourne, FL

Victor Arana, M.D. Family Practice
Melbourne, FL

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

Wadih S. Macksoud, M.D. Orthopedic Hand Surgeon
Orlando, Florida

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

February 3, 2010

