

CASE INFORMATION SHEET
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COUNTY AND COURT:

Seminole County Circuit Court

NAME OF CASE:

ABBAS SULIMAN,

Plaintiff,

v.

COUNTY OF SEMINOLE,

Defendant

CASE DOCKET NO.: 07-CA-1066-08-L

JUDGE:

Linda D.
Schoonover

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

Adam Saxe, Esq. of Jeffrey Byrd, P.A.

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

David R. Kuhn, Esq. of Rissman, Barrett, Hurt, Donahue & McLain,
P.A.

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

58 year old, male, unemployed at the time of incident.

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

Not applicable.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

This case involved a May 28, 2006 motor vehicle accident. Mr. Suliman encountered a pothole in the middle of Remington Oaks

Drive at approximately 3:30 in the afternoon. Mr. Suliman lived approximately 7 houses from the pothole.

CAUSE OF INJURY:

As a result of Mr. Suliman's vehicle impacting the pothole, the right front axle pin became loose causing the right front tire to bend inward. As a result, Mr. Suliman alleges that his body received a jolt causing various orthopedic injuries.

NATURE OF INJURY:

Mr. Suliman was claiming herniated discs at C4-C5, C5-C6 as well as an injury to his left shoulder and low back pain.

PLAINTIFF'S EXPERT WITNESSES:

Jason Masters, D.C. (chiropractor)
Frank Alvarez, M.D. (neurologist)
Gilbert Tweed, M.D. (neurosurgeon)
Richard Smith, M.D. (orthopedic surgeon)

DEFENDANT'S EXPERT WITNESSES:

G. Grady McBride, M.D.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

April 28, 2011.

VERDICT:

Defense verdict.

COMPARATIVE NEGLIGENCE:

Not applicable.

JUDGMENT:

For Defendant.

DATE OF JUDGMENT:

May 9, 2011.

DEFENDANT'S OFFER:

Defendant served a \$1,000 Proposal for Settlement.

PLAINTIFF'S DEMAND:

Plaintiff served a Proposal for Settlement of \$82,500. Plaintiff asked the jury to return a verdict in excess of \$300,000.

ATTORNEY'S COMMENTS:

Although Mr. Suliman acknowledged that he was in a severe workers' compensation related accident in 1993 that resulted in severe low back problems, Seminole County argued that Mr. Suliman never fully recovered from his work-related injury. In fact, records revealed that Mr. Suliman had long-standing disc and arthritic problems throughout his back. Significantly, none of Mr. Suliman's treating physicians were provided any records that pre-dated the May 28, 2006 incident.

Plaintiff's counsel originally was successful in obtaining a Motion in Limine to preclude the admission of treating psychologist's, Peter Blitchington, office note from March 13, 1998 wherein Mr. Suliman reported that his neck, back and low back hurt, that his bones felt "smashed", that he developed headaches easily and that his arms went numb. However, following the first day of trial after one of Mr. Suliman's longtime friends testified that Mr. Suliman never had any back problems, Judge Schoonover reconsidered her ruling and allowed Dr. Blitchington's note to be admitted.

Additionally, prior to the start of trial, Judge Schoonover granted Seminole County's Motion to Amend a previously filed response to Request for Admissions that suggested the County was on actual notice of the condition of Remington Oaks Drive on May 28, 2006. Seminole County argued that this had been erroneously filed and did not accurately reflect the facts that would be presented at trial.

Plaintiff's counsel has filed a Motion for New Trial on these rulings. Defendant has filed a Motion for Attorneys' Fees and Costs.

Submitted David R. Kuhn
By:

Date: May 17, 2011

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& McLain, P.A.

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