

CASE INFORMATION SHEET
FLORIDA LEGAL PERIODICALS, INC.
P.O. Box 3370, Tallahassee, FL 32315-3730
(904) 224-6649/(800) 446-2998 * FAX (850) 222-6266

COUNTY AND COURT: CIRCUIT COURT, VOLUSIA COUNTY

NAME OF CASE:

DENISE SABINO,

Plaintiff,

v.

PUBLIX SUPER MARKETS, INC.,

Defendant

CASE DOCKET NO.: 2011-31843-CICI **JUDGE:** William A. Parsons

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

JONATHAN I. ROTSTEIN, ESQUIRE
309 OAKRIDGE BOULEVARD
SUITE B
DAYTONA BEACH, FL 32118

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

RICHARD S. WOMBLE, ESQUIRE
SEAN M. CROCKER, ESQUIRE
201 E. PINE STREET
SUITE 1500
ORLANDO, FL 32802-4940

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

52 year old, female (49 years of age at the time of the accident); waitress.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

November 23, 2009; Publix in Volusia County, Florida.

CAUSE OF INJURY:

On the date of the occurrence, Plaintiff entered the Publix lobby, slipped and fell. Plaintiff testified that she "guessed" she had slipped on rain water, but could not affirm the existence of water on the floor at the time of her slip and fall. Further, three Publix employees confirmed that there was nothing on the floor at the time of the slip and fall.

Plaintiff did testify that there was a scuff or skid mark on the floor. This was verified by one Publix employee.

Plaintiff alleged neck, back, arm, and right ankle injuries as a result of the slip and fall. Plaintiff claimed \$8,569.49 in medical expenses.

Interestingly, Plaintiff had an extensive past medical and litigious history. Indeed, Plaintiff alleged a slip and fall incident at a 7-11 store one week prior to the subject slip and fall.

NATURE OF INJURY:

Alleged neck, neck sprain, right arm sprain, low back sprain, right knee sprain, and right ankle sprain.

PLAINTIFF'S EXPERT WITNESSES:

Dr. Frank Alvarez Jr.
Dr. Peter Godleski.

DEFENDANT'S EXPERT WITNESSES:

Dr. Thomas Brodrick.

CHECK APPROPRIATE SPACE: X Summary Judgment

SUMMARY JUDGMENT:

For Defendant, Publix

DATE OF FINAL SUMMARY JUDGMENT:

May 18, 2012

DEFENDANT'S OFFER:

Proposal for Settlement served by Publix on January 17, 2012 in the amount of \$1,001.

PLAINTIFF'S DEMAND:

\$250,000

ATTORNEY'S COMMENTS:

Most detrimental to Plaintiff's case was the fact that Plaintiff testified there was no transitory foreign substance on the ground. While the Plaintiff had a theory of liability; e.g. rain water caused the slip and fall, mere guessing or speculation as to why a slip and fall occurred on a business premises is not enough to overcome summary judgment.

As Plaintiff testified that there was nothing on the floor, other than a scuff or skid mark, Plaintiff was unable to carry her burden of proof under the transitory foreign substance statute.

Submitted

Date: May 30, 2012

**By: Richard S. Womble, Esquire
Sean M. Crocker, Esquire**

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

**Address: 201 E. Pine Street
Suite 1500
P.O. Box 4940
Orlando, FL 32802-4940**

Telephone: (407) 839-0120

Fax: (407) 841-9726

SMC/evo