

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

SEMINOLE COUNTY CIRCUIT COURT

NAME OF CASE:

WILLIAM AND RHONDA WORLEY,

Plaintiffs,

v.

PUBLIX SUPER MARKETS, INC.,

Defendant

CASE DOCKET NO.: 06-CA-1488-11-W **JUDGE:** Alan A. Dickey

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

Mark A. Cornelius, Esquire
D. Fuller Haring
Bogin, Munns & Munns, P.A.
Orlando, FL

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

Art C. Young, Esquire
Henry "Skip" W. Jewett II, Esquire
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
Orlando, FL

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

William Worley is 55 years old and a former air conditioning repairman. Rhonda Worley is 52 years old and works for Tri-Tech Electronics on the assembly line.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

August 25, 2002 at approximately 11:30 a.m. at Publix Super Markets, Inc. located at 1801 E. Broadway St., Oviedo, FL 32765-8597.

CAUSE OF INJURY:

Slip and fall on a grape in the frozen food aisle, hitting his head on handle of a freezer door.

NATURE OF INJURY:

Plaintiff received nine sutures in his head after being transported by ambulance to Winter Park Memorial.

Plaintiff claimed to be completely disabled as a result of injuries allegedly incurred in this fall.

Mr. Worley claimed that he has closed head injury and Post Concussive Syndrome. He underwent a surgery by neurotologist, Dr. James Atkins, on July 23, 2003, for a fistula. That surgery later failed and Mr. Worley had a second surgery on February 13, 2004. Dr. Atkins gave him a 30% impairment rating.

Plaintiff claimed odors make him nauseous; memory loss; vertigo; lost portion of sense of sight; hearing too well which interferes with normal ability to screen out unwanted noises; irritable; no patience; cannot tolerate sudden movements; motion sickness regularly; and depression.

Mr. Worley claimed he was unable to work since the date of the accident as a result of his dizziness.

PLAINTIFF'S EXPERT WITNESSES:

James S. Atkins, M.D.

Florida Ear and Balance Center, P.A.
Celebration, FL
Otolaryngology

Dr. Atkins performed his surgery as a result of the patient having a fistula. Dr. Atkins first fistula surgery failed. The second surgery apparently had been successful, although the Plaintiff continued to have similar complaints after the surgery. He indicated that Plaintiff is capable of doing sedentary work such as painting, carpentry and air conditioning work as long as he was not on a ladder.

Joseph Holzmacher, Psy.D.

Orlando, FL
Neuropsychologist

Dr. Holzmacher's testimony established that the Plaintiff's complaints did not fit well within a closed head injury diagnosis. He did not know if the patient had pre-existing Attention Deficit Disorder. He testified that most mild head injuries resolve within six months and there was no concrete evidence that the Plaintiff had a continuing brain injury. His IQ was 84 which Dr. Holzmacher felt was consistent with the Plaintiff's premorbid intelligence (low average).

Hal Pineless, D.O.

Neurocare Institute of Central Florida
Winter Park, FL
Neurologist

Dr. Pineless' video testimony established that there were no objective findings to substantiate his continuing subjective complaints. Dr. Pineless also testified about the several diagnostic studies that he performed which were all normal.

William Silverman, D.O.

Lake Howell Family Medicine Associates
Maitland, FL
Family Medicine

Dr. Silverman, a family practitioner, treated Plaintiff after the accident as a result of his recurring nausea, vomiting and dizziness. He believed that there were definite changes in Mr. Worley's personality which were related to his injuries. He was of the opinion that the patient's vertigo, as well as his memory issues, were related to the subject accident. Dr. Silverman agreed there were no objective findings to support Mr. Worley's current subjective complaints.

DEFENDANT'S EXPERT WITNESSES:

John C. Lozito, M.D.

Neurology Clinic
Melbourne, FL
Neurology

Dr. Lozito testified that Mr. Worley had a mild closed head injury and that 90% of such closed head injuries completely resolve. He did not believe that Plaintiff had a true loss of consciousness as a result of the accident or true vertigo. Dr. Lozito had never seen a fistula secondary to a closed head injury since he had been treating closed head injuries beginning in 1973.

Alan J. Raphael, Ph.D.

International Assessment Systems, Inc.
Miami, FL
Neuropsychology

Dr. Raphael performed a Compulsory Medical Examination. The IQ level was normal in Dr. Holzmacher's post-accident testing, although it was borderline retarded in Dr. Raphael's testing. Plaintiff had tested in the 2nd percentile range for reading in high school before he dropped out. The fact that Plaintiff had a Glasgow Coma score of 15 was significant to diminish the severity of the closed head injury. The lack of any significant loss of consciousness typically correlates to full recovery from any head trauma.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

February 28, 2011

VERDICT AMOUNT:

\$6,079.19

COMPARATIVE NEGLIGENCE:

No.

JUDGMENT:

Plaintiff

