

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

Orange County Circuit Court

**NAME OF CASE:**

JANET M. HEISE and ROBERT H. HEISE, her husband,

Plaintiffs,

v.

SOUND ON SOUND, INC., a foreign corporation,

Defendant.

**CASE DOCKET NO.:** 08-CA-33174      **TRIAL**      A. Thomas Mihok  
#40      **JUDGE:**

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

Ralph P. Richard, Esquire  
Law Office of Ralph P. Richard  
Ft. Myers, FL

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

Jason R. Urbanowicz, Esquire  
Robert J. Jack, Esquire  
Rissman, Barrett, Hurt,  
Donahue & McLain, P.A.  
Orlando, Florida

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

N/A

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

N/A

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

December 16, 2006, Rosen Hotel, Orlando, FL.

**KIND OF LOSS:** [factual description including allegations and defenses on liability]:

This was a slip and fall accident that took place at an event being held by the Messianic Jewish Alliance at the Rosen Hotel in Orlando, Florida. While Mrs. Heise was walking through the ballroom, she allegedly tripped over an industrial-sized extension cord which had been placed there by Sound on Sound, Inc.

Sound on Sound was hired by Messianic Jewish Alliance to provide the lighting and sound equipment for the event. Mrs. Heise was admitted for surgery the next day for a left periprosthetic supracondylar femur fracture. Mrs. Heise underwent an open reduction and internal fixation.

**DESCRIPTION OF LOSS AND DAMAGE:** [please be specific concerning injuries, treatment and medical testimony]:

The lawsuit was filed on December 15, 2008 in Orange County. The named defendants were Sound on Sound, Rosen Hotels & Resorts, Inc. and Messianic Jewish Alliance of America. Plaintiffs alleged defendants had a duty to ensure the premises where plaintiff, Janet Heise, was a business invitee, was safe and did not have a tripping hazard without notice or warning.

During the course of litigation, plaintiffs retained a safety expert, Michael Kaufmann, who alleged that the cord violated the Americans with a Disabilities Act and the Florida Building Code by creating an obstruction in a path of ingress or egress. Mr. Kaufmann testified that the cable or obstacle on the floor in the pathway of egress was approximately one inch high and therefore did not comply with the national safety standards, with the building code of the State of Florida, 2001 or 2004, and with the National Fluid Power Association, Code 101 of 2003.

David Hash, Owner of Sound on Sound, Inc., testified that he initially put down an ADA compliant cable bridge over the wire

that ran across the hallway where Mrs. Heise allegedly tripped. However, he was told by an employee of Rosen to remove the cable bridge as they were in the process of setting up the chairs. His recollection is that they told him the cable bridge would not allow them to properly place the chairs in the room.

Defendant's expert, Eric Roster, testified that it is standard in the industry for the venue to ensure compliance with local codes. He also testified that the taping done by the defendant met applicable industry standards.

Rosen Hotels & Resorts, Inc. and Messianic Jewish Alliance of America settled with plaintiffs prior to trial. Before the trial, Sound on Sound made an offer of \$20,000. Despite previously filing a proposal for settlement for \$100,000, plaintiffs raised their demand to \$120,000 in response. Trial was held before Judge A. Thomas Mihok in Orange County from Monday, January 23, 2012, through Thursday, 26, 2012.

The jury deliberated for approximately thirty minutes. They came back with a defense verdict, finding that there was no negligence on the part of Sound and Sound, Inc.

Sound on Sound will seek attorney's fees pursuant to an expired proposal for settlement.

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

Michael M. Kaufmann, P.E., C.S.P., Clermont, FL

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

Eric Roster, Systems Engineer, expert on sound/audio wiring, Arvada, CO

Jeffrey P. Rosen, M.D., expert in Orthopedics, Orlando, FL

**CHECK APPROPRIATE SPACE:**        X   Jury Verdict

**DATE OF JURY TRIAL:**

January 23-26, 2012

**COMPARATIVE NEGLIGENCE** [if applicable]:

N/A

**VERDICT:**

For Defendant, Sound on Sound, Inc.

**DATE OF VERDICT:**

January 26, 2012

**JUDGMENT:**

For Defendant, Sound on Sound, Inc.

**DATE OF JUDGMENT:**

Not yet entered

**DEFENDANT'S OFFER:**

\$20,000 prior to trial

**PLAINTIFF'S DEMAND:**

\$100,000 proposal for settlement  
\$120,000 prior to trial  
\$400,000 in closing argument

**ATTORNEY'S COMMENTS:**

Plaintiffs filed a Motion to Set Aside Verdict, for Directed Verdict and for New Trial, which is scheduled to be heard April 12, 2012.

**Submitted By:** Jason R. Urbanowicz, Esquire **Date:** March 7, 2012

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

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