

# PUBLICATION PROVIDED BY:

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

**NAME OF CASE:** [complete style]:

PAULA GLYNN YUNGER v. BUDGET RENT A CAR SYSTEM, INC., CENDANT CORPORATION, TEAM FLEET FINANCING CORPORATION, and FLORIDA FARM BUREAU CASUALTY INSURANCE COMPANY.

**CASE/DOCKET NO.:** 06-CA-4377 **JUDGE:** Hon. John H. Adams, Sr.

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

Pro Se Plaintiff, Paula Yunger, Apopka, Florida.

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

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

**AGE/SEX/OCCUPATION OF PLAINTIFF or DECEDENT:**

59/Female/Waitress

**For WRONGFUL DEATH cases, please give age and relationship of survivors:**

**DATE, TIME, and PLACE OF ACCIDENT or OCCURRENCE:**

June 10, 2002, 7:20 p.m., at the intersection of Wekiva Springs Rd and Canter Club Dr. in Orange County.

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

On June 10, 2002, Paula Glynn-Yunger, a 52-year-old, married, white-female Florida resident was driving her 1993 Ford Explorer home after finishing her work as a waitress. M. Wade Frazier, a 34-year-old, white male resident of Illinois, was operating a 2002 Ford van, leased by Budget Rent A Car System, Inc. and owned by Team Fleet Financing Corporation, when he first stopped, then ran a stop sign to cross the main road, striking Ms. Yunger's vehicle.

The Florida Highway Patrol cited Mr. Frazier for failure to yield the right of way at a stop sign. The van was not operable after the crash, and was towed from the scene. Ms. Yunger was transported via ambulance to a nearby hospital. She was discharged from the hospital that day, wearing a right-knee brace.

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

Subsequently, Ms. Yunger was seen by Jewett Orthopaedic Clinic for knee and thigh injuries, and was referred to physical therapy. After learning that the physician did not causally relate her injury to the auto accident, she asked for the notes to be destroyed and threatened suit if they were not.

She received physical therapy at CORA Rehabilitation Clinic for approximately two months.

She then treated with Dr. Tom Winters of Orthopaedics & Sports Medicine for knee injuries and reached MMI as of 4/23/03 for both knees, with a 2% permanent partial impairment rating.

She was treated by Dr. Broderick for neck and wrist pain. She was diagnosed with arthritis with a 3.5% impairment rating and no surgery was recommended.

Ms. Yunger saw Dr. Oregon Hunter on June 10, 2003 to receive a whole body impairment rating.

Ms. Yunger was treated by Dr. White of Orlando Hand Surgery Associates and diagnosed with extensive degenerative arthritis of both arms, with only temporary aggravation from accident.

Ms. Yunger's PIP coverage was paid in full by Florida Farm Bureau. Ms. Yunger demanded compensation under the uninsured/underinsured motorist portion of her insurance policy with Florida Farm Bureau for her past and future medical expenses, her past long earnings, her diminished capacity to earn money in the future and special damages for pain, suffering, mental anguish, inconvenience, and loss of enjoyment of her life. When the demand was denied, she filed suit.

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

None.

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

Dr. Paul J. Maluso, MD, Orlando, (orthopedic surgery)

**CHECK APPROPRIATE SPACE:**  Involuntary Dismissal

**DATE OF DISMISSAL:**

Final Order of Dismissal with Prejudice entered November 7, 2008.

**VERDICT/SETTLEMENT AMOUNT** [provide components of itemized verdict/settlement]:

N/A

**COMPARATIVE NEGLIGENCE** [if applicable]:

**JUDGMENT:**

Final Judgment for attorney's fees was entered in favor of Defendant awarding fees in the amount of \$2,028 and costs in the amount of \$85.

**DATE OF JUDGMENT:**

Final Judgment of Dismissal pending execution by the Court.  
Final Judgment Awarding Attorney's Fees and Costs entered January  
26, 2009.

**DEFENDANT'S OFFER:**

\$2,500 - Proposal for Settlement

**PLAINTIFF'S DEMAND:**

\$1,320,148

**ATTORNEY'S COMMENTS:**

Ms. Yunger settled with the tortfeasor for his \$100,000 policy limits with State Farm. Suit was then filed against Budget Rent A Car System, Inc., Cendant Corporation, Team Fleet Financing Corporation, and Florida Farm Bureau Casualty Insurance Company. Ms. Yunger subsequently settled for an additional \$5,000 with Team Fleet Financing Corporation, owner of the vehicle driven by the tortfeasor, and Budget Rent A Car System, Inc., the Lessor.

At the time Plaintiff filed her lawsuit, she was represented by counsel. She subsequently fired her attorney under suspicion that he was too friendly with defense counsel's law firm. Plaintiff's husband was a retired paralegal for a personal injury law firm and her daughter was an attorney. Throughout the course of her self-representation, she bombarded the Defendant with voluminous motions and pleadings. Defendant was successful through summary judgment in narrowing the issue for the jury to causation, permanency and damages.

Ms. Yunger and her husband appeared on the morning of trial. Defense counsel discovered that Plaintiff had not subpoenaed any witnesses. Defense counsel made Judge Adams aware of this. He ignored Plaintiff's attempt to have her third summary judgment motion heard that morning and dismissed the case.

After dismissal, Plaintiff continued to file various motions, including a fourth Motion for Summary Judgment and Motion for Rehearing. Defense counsel filed two motions for \$57.105 sanctions. Both were subsequently granted by Judge Adams. A Final Judgment was entered on January 26, 2009 in favor of the Defendant for attorney's fees in the amount of \$2,028.00 and costs in the amount of \$85.00. Even after judgment was entered, Plaintiff continued to request rulings on her motions for rehearing and threatens appeal.

Submitted By: Jason R. Urbanowicz

Date: March 10, 2009

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