

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

Orange County Circuit Court

NAME OF CASE:

MARY WILSON,

Plaintiff,

v.

ALAMO RENT-A-CAR, LLC,

Defendant.

CASE DOCKET NO.: CI0-00-8708

JUDGE: Thomas Turner

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

Tricia Madden, Esquire
Tricia Madden, Esquire, P.A.
Altamonte Springs, FL

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

Richard S. Womble, Esq.
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
Orlando, FL

Karissa Owens, Esquire
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
Orlando, FL

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

Mary Wilson, a 47-year old, unemployed, white female.

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

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

October 13, 1998

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

Ms. Wilson was a passenger in a vehicle that was hit by a vehicle driven by a renter of an automobile owned by Alamo Rent-A-Car. The driver of the Alamo vehicle failed to yield the right of way and caused the accident. At trial, Defendant admitted that the driver of the Alamo rental car was negligent.

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

Ms. Wilson claimed that she sustained a head injury, as well as neck and back injuries as a result of the accident. She claimed to have permanent vertigo due to inner ear damage. Her neuro-otologist physicians believed that the accident caused a perilymphatic fistula and made Ms. Wilson's congenital superior semi-circular canal dehiscence symptomatic.

Ms. Wilson had four surgeries to attempt to correct the vertigo. Ms. Wilson claimed at trial that although the surgeries helped, she was still experiencing permanent vertigo as a result of the inner ear damage.

Plaintiff argued that she had pre-existing neck and back problems, but those problems had improved so much that she had stopped treating for them one year before the accident. In fact, Plaintiff had returned to work during the six months prior to the subject accident.

Plaintiff claimed loss of earnings and \$248,000 in past medical expenses.

Defendant demonstrated that Ms. Wilson had experienced numerous accidents in the past. She had been treated for back and neck pain and had been hospitalized for dizziness prior to the subject accident. The accidents in the early 1990s were reportedly severe and yet she told her doctors treating her for the supposed inner ear problem after the October 1998 accident that they were fender benders. She specifically attributed her vertigo to the subject motor vehicle accident and did not tell her doctors about her earlier complaints and hospitalizations for dizziness.

At trial, Ms. Wilson was confronted with her past medical history and admitted that she had dizziness but claimed it was distinguishable from the dizziness she had experienced since the subject accident. However, she then conceded that she was claiming a new injury causing dizziness and that her past dizziness had not been aggravated by the accident.

Plaintiff's psychologist had Ms. Wilson complete a Minnesota Multiphasic Personality Inventory (MMPI), which demonstrated high levels of hysteria and hypochondriasis. Ms. Wilson admitted that she had been declared "medically" disabled prior to the subject accident and that she had been receiving Federal Early Retirement Benefits. She testified that she was feeling better and was going to go back to work prior to the subject accident, but confessed that she had never told the Federal Government that she was feeling better and did not need those benefits anymore.

Plaintiff was treated by Dr. James Berryhill, a homeopathic physician. Dr. Berryhill treated Ms. Wilson for chronic yeast infections which he felt were the cause of her pre-accident dizziness.

Plaintiff's neuro-otologist, James Atkins, M.D., sent Ms. Wilson to three specialists, all of whom concluded that no surgery was necessary. Nevertheless, Dr. Atkins and Dr. James Andrews of Los Angeles, performed inner ear surgeries which were unsuccessful in relieving plaintiff's dizziness.

Defendant demonstrated that the motor vehicle in which Ms. Wilson was riding sustained only "minimal front end damage" even though she told some of her doctors that the impact occurred at 40 miles per hour.

Ms. Wilson's psychologist testified about her troubled life, including various assaults and her family's desertion by her father. A treating physician evaluating Ms. Wilson prior to the subject accident found that she had a "monumental amount of psychological overlay."

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

James Berryhill, M.D. Homeopathic Physician
Decatur, GA

Dr. Berryhill testified that plaintiff's yeast infection was the cause of her dizziness.

Brenda Peak, M.D. Physiatrist
Huntsville, AL

Dr. Peak testified that plaintiff injured her neck and back in the subject motor vehicle accident. She admitted on cross-examination that Ms. Wilson had never told her about any pre-accident head and back problems.

Lawrence Prokop, M.D. Physical Medicine and Rehabilitation
Pensacola, FL

Dr. Prokop testified Plaintiff had a stress disorder prior to the subject accident.

Donald Watters, Ph.D. Psychology
Huntsville, AL

Dr. Watters tested Ms. Wilson with an MMPI which found that she was highly manipulative, hysterical and magnified her symptoms. He felt Ms. Wilson had a post-traumatic stress disorder as a result of a variety of stressors, including the subject motor vehicle accident.

James Andrews, M.D. Neuro-otology
Los Angeles, CA

Dr. Andrews testified that Ms. Wilson sustained inner ear damage as a result of the subject accident. He performed a 2003 surgery on the plaintiff's congenital superior canal dehiscence, which he related to the accident because the dehiscence became symptomatic only after the accident. Ms. Wilson was Dr. Andrews' first SCD patient.

James Atkins, M.D. Neuro-otology
Orlando, FL

ATTORNEY'S COMMENTS:

After trial, Defendant offered to waive costs and fees if Plaintiff would not appeal. Plaintiff refused. Plaintiff's counsel then moved to withdraw as counsel for Ms. Wilson.

Submitted By: Richard S. Womble **Date:** March 18, 2008

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& McLain, P.A.

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