

CASE INFORMATION SHEET  
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**COUNTY AND COURT:**

Seminole County Civil Court

**NAME OF CASE:**

JOHN FALCON,

Plaintiff,

v.

SHARRON MCCALLISTER,

Defendant.

**CASE DOCKET NO.:** 09-CA-6172-08-W      **JUDGE:** Alan A. Dickey

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

John Falcon  
Pro Se

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

Vance R. Dawson, Esquire  
Jeremy T. Palma, Esquire  
Rissman, Barrett, Hurt,  
Donahue & McLain, P.A.  
201 E. Pine Street, 15th Floor  
Orlando, FL 32801

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

50 year old male/unemployed construction worker.

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

N/A

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

September 7, 2007 in the parking lot at the Seminole Town Center Mall.

**CAUSE OF INJURY:**

Plaintiff, a pedestrian, claimed that he was injured when the Defendant reversed from her parking spot, failed to see Plaintiff and struck him in the knee. Plaintiff claimed he sustained injuries to his low back and knee.

Prior to the September 7, 2007 accident, Plaintiff had undergone three surgeries to his lumbar spine. Two years after the September 7, 2007 accident, Plaintiff underwent a fourth lumbar surgery performed by neurosurgeon, Nizam Razack, on July 8, 2009.

**NATURE OF INJURY:**

Non-specific soft tissue injuries to Plaintiff's wrist, low back and right knee.

**PLAINTIFF'S EXPERT WITNESSES:**

Dr. Nizam Razack  
Spine and Brain Neurosurgery  
32 W. Gore Street, Suite 511  
Orlando, FL 32806

Plaintiff called Dr. Razack as a witness at trial. Plaintiff generally asked Dr. Razack questions about the July 8, 2009 surgery. Plaintiff did not elicit testimony from Dr. Razack that the July 8, 2009 surgery was causally related to the September 7, 2007 accident.

**DEFENDANT'S EXPERT WITNESSES:**

N/A

**CHECK APPROPRIATE SPACE:**        √   Directed Verdict

**DATE OF DIRECTED VERDICT:**

September 27, 2011

**VERDICT:**

Directed verdict for the defense.

**COMPARATIVE NEGLIGENCE:**

N/A

**JUDGMENT:**

For Sharron McCallister.

**DATE OF JUDGMENT:**

October 5, 2011

**DEFENDANT'S OFFER:**

On July 7, 2010 a Proposal for Settlement was sent to Plaintiff in the amount of \$20,000.

**PLAINTIFF'S DEMAND:**

- 1) When Plaintiff was represented by counsel, Alan Ziffra, a demand was made in the amount of \$100,000 on November 3, 2009.
- 2) Pro Se Plaintiff forwarded a demand letter in the amount of \$180,000 on April 12, 2011.

**ATTORNEY'S COMMENTS:**

Plaintiff's counsel withdrew following mediation. Plaintiff proceeded to trial pro se.

Plaintiff failed to establish facts of negligence.

Plaintiff failed to causally relate the need for the July 8, 2009 surgery to the subject accident. Additionally, Plaintiff failed to causally relate that any medical expenses were incurred as a result of the September 7, 2007 accident.

The defense moved for directed verdict at the close of Plaintiff's case on negligence; causation; past and future medical expenses; and past and future lost wages. The motions for directed verdict were all granted.

**Submitted** Vance R. Dawson **Date: December 8, 2011**  
**By:** Jeremy T. Palma

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

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VRD/JTP/tsn/sac/tsn