

CASE INFORMATION SHEET
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COUNTY AND COURT:

Orange County Civil Court, 9th Judicial Circuit

NAME OF CASE:

IRMA OLIVERA,

Plaintiff,

v.

SOUTH LAKE HOSPITAL,

Defendant

CASE DOCKET NO.: 07-CA-7496

JUDGE: A. Thomas Mihok

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

Laurence Trias, Esquire
Joel Piedra, Esquire
The Pendas Law Firm
625 East Colonial Drive
Orlando, Florida 32803

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

Vance Dawson, Esquire
Sarah Egan, Esquire
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
201 E. Pine Street, 15th Floor
Orlando, Florida 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

56-year-old unemployed female

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

July 3, 2003 at South Lake Hospital, Clermont, Lake County, Florida

CAUSE OF INJURY:

On July 3, 2003, Plaintiff, Irma Olivera, was a visitor at South Lake Hospital. At approximately 12:00 p.m., Ms. Olivera went to the cafeteria, and while exiting, slipped and fell.

Plaintiff alleged that she slipped and fell while in the hospital's cafeteria; however, she did not know on what she slipped and did not see anything on the floor prior to her alleged slip.

NATURE OF INJURY:

Plaintiff claimed hip, knee and back injuries. A left knee x-ray taken on July 3, 2003 at South Lake Hospital was negative.

An August 5, 2003 MRI of Plaintiff's lumbar spine indicated mild "s-shaped" scoliosis with degenerative disc disease at L1-2. Additionally, there was a diffuse annular bulge at L1-2 with a superimposed left foraminal disc protrusion that was mildly narrowing in the inferior aspect of the left neural foramen but not definitely compressing the exiting nerve.

Plaintiff underwent a September 2, 2003 MRI of her left knee which demonstrated a large patellofemoral fluid collection with irregularity and heterogeneous signal intensity of the patellofemoral articular cartilage, consistent with chondromalacia and joint effusion was present. The patellar retinacula appeared intact, the patellar and quadriceps tendons appeared unremarkable, the lateral meniscus was intact and unremarkable as was the cruciate ligaments and the periarticular soft tissues were unremarkable.

The impression was large joint effusion and patellaofemoral fluid collection with chondromalacia patella and medial popliteal cysts. Plaintiff was referred to an orthopaedic surgeon for evaluation for possible surgery or fluid evacuation.

On March 1, 2004, Plaintiff underwent arthroscopic knee surgery. The surgeon, Dr. Richard C. Smith, suggested Plaintiff was having problems because of her weight.

Of note is the fact that Plaintiff is 5'1" tall and weighs approximately 250 pounds. Additionally, Ms. Olivera had undergone hip replacements in 2005 and 2006. Plaintiff indicated in her Answers to Interrogatories that her hip replacements were related to the subject slip and fall. However, at the time of trial, Plaintiff admitted her hip injuries were unrelated and as such, withdrew her claim for her right and left hip injuries and sought compensation only for left knee and back injuries.

PLAINTIFF'S EXPERT WITNESSES:

None

DEFENDANT'S EXPERT WITNESSES:

Michael J. Foley, M.D.
Radiographic Consultants
11300 4th Street North, Suite 140
St. Petersburg, Florida 33716

Dr. Foley opined Plaintiff's injuries were degenerative in nature and not related to the slip and fall.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

April 20, 2011

VERDICT:

Defense Verdict

COMPARATIVE NEGLIGENCE:

Three eye witnesses testified Plaintiff was wearing flip flop/sandals that were too small for her feet. The defense argued that Plaintiff tripped forward due to her own fault.

Plaintiff denied wearing flip flop/sandals and testified she was wearing Nike sneakers at the time of the slip and fall. However, when asked to produce the sneakers, Plaintiff testified she threw them away in 2004. The defense read into evidence a 2003 demand letter from Plaintiff's counsel which enabled Defendant to argue Plaintiff had a lawyer before such time as she supposedly threw away her shoes.

JUDGMENT:

Final judgment for Defendant (pending Motion)

DATE OF JUDGMENT:

Motion filed April 25, 2011

DEFENDANT'S OFFER:

On August 6, 2009, Defendant served a Proposal for Settlement in the amount of \$150. Defendant served a second Proposal for Settlement on November 13, 2009 in the amount of \$5,001.

PLAINTIFF'S DEMAND:

On October 30, 2009 Plaintiff served a Proposal for Settlement in the amount \$20,000. Plaintiff did not make a specific request in closing.

ATTORNEY'S COMMENTS:

The jury returned a defense verdict in fifty-five minutes.

Submitted Vance R. Dawson Date: May 26, 2011
By: Sarah E. Egan

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

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SEE/ktd