

**CASE INFORMATION SHEET**  
**FLORIDA LEGAL PERIODICALS, INC.**  
P.O. Box 3370, Tallahassee, FL 32315-3730  
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**COUNTY AND COURT:**

Orange County Circuit Civil  
9<sup>th</sup> Judicial Circuit

**NAME OF CASE:**

NIDIA TORRES and FELIX O. TORRES, her husband,  
  
Plaintiffs/Counter Defendants,

v.

WESTGATE VACATION VILLAS, LLC., WESTGATE RESORTS, INC., CENTRAL  
FLORIDA INVESTMENTS, INC., CENTRAL FLORIDA RESORT CONCESSIONS,  
INC., and CENTRAL FLORIDA WATERSPORTS, INC.

Defendants/Counter Plaintiffs.

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WESTGATE VACATION VILLAS, LLC, WESTGATE RESORTS, INC. and  
CENTRAL FLORIDA INVESTMENTS, INC.

Defendants/Counter Plaintiffs,

v.

FELIX TORRES,

Plaintiff/Counter Defendant.

**CASE DOCKET NO.:** 08-CA-031727-0      **JUDGE:** Stan W. Strickland

**PLAINTIFFS ATTORNEYS:**

Jonathan T. Levy, Esquire  
Rosenthal, Levy & Simon, P.A.  
1645 Palm Beach Lakes Boulevard #350  
West Palm Beach, FL 33401

**DEFENDANTS ATTORNEYS:**

Art C. Young, Esquire  
Rissman, Barrett, Hurt, Donahue & McLain, P.A.  
201 E. Pine Street, 15<sup>th</sup> Floor  
Orlando, FL 32801

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

Nidia Torres is a 38 year old, Hispanic female who was unemployed at the time of the incident.

Mrs. Torres was not working on the date of the accident.

Post accident, Mrs. Torres began working again on August 3, 2009, as an Emergency Room Registrar at Wellington Regional Hospital earning \$14.98 per hour.

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

N/A

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

February 14, 2008 at approximately 3:20 p.m.

**CAUSE OF INJURY:**

Mrs. Torres rented a surrey bike from Westgate. Mrs. Torres, along with her husband and two children, were riding a two-seater surrey bike when the bike allegedly flipped and Mrs. Torres fell out head first onto the pavement. She was not wearing an available helmet.

**NATURE OF INJURY:**

Epidural and subdural hematoma;  
Right temporal bone fracture;  
Right temporal craniotomy for evacuation of subdural hematoma;  
Headaches;  
Light sensitivity;  
Memory loss;  
Forgetful; and  
Depression.

Mrs. Torres was taken by ambulance from Westgate to Florida Hospital Celebration. She was treated for a temporal bony fracture and an epidural hematoma. She was discharged two days later.

On February 21, 2008, Mrs. Torres presented to Wellington Regional Medical Center and underwent an emergency right temporal craniotomy for evacuation of a subdural hematoma by Amos Dare, M.D. Mrs. Torres was discharged home on February 23, 2008.

Mrs. Torres presented to Palm Beach Neurology Center for further neurologic evaluation on April 9, 2008, on referral from Dr. Dare. Her main complaints were headaches, dizziness, memory problems and visual blurring.

Dr. Stone conducted electrical studies which were negative for nerve root impingement or peripheral nerve entrapment. Dr. Stone suspected she had some residual post concussion syndrome, as well as a slight mood disorder.

On August 25, 2008, Mrs. Torres returned for a second follow up reporting a new problem of significant shooting pain in the upper portion of the neck on the right side around the base of occiput. At times the, pain was so bad she could barely get out of bed. Dr. Stone indicated he was going to refer her for therapy.

Plaintiff was claiming \$75,142 in medical bills and claimed \$51,437.40 in lost wages. Mrs. Torres claimed to have lost approximately 75 weeks of work.

**PLAINTIFF'S EXPERT WITNESSES:**

Amos Dare, M.D.  
Palm Beach Brain & Spine  
1397 Medical Park Boulevard  
Suite 400  
Wellington, FL 33414  
Treating physician/expert

Reed Stone, M.D.  
Palm Beach Neurology  
4631 N. Congress Avenue  
Suite 200  
West Palm Beach, FL 33407  
Treating physician/Expert

**DEFENDANT'S EXPERT WITNESSES:**

Kenneth C. Fischer, M.D.  
International Assessment Systems, Inc.  
1221 Brickell Avenue  
Miami, FL 33131  
Neurologist

Alan J. Raphael, Ph.D.  
International Assessment Systems, Inc.  
1221 Brickell Avenue  
Miami, FL 33131  
Neuropsychology

Chris Stewart, ACTAR  
Forensic Engineering Technologies, LLC  
581 Technology park, Suite 1001  
Lake Mary, FL 32746  
Accident Reconstruction

**SUMMARY JUDGMENT:**

Summary Judgment granted by Judge Strickland on September 20, 2011.

**DEFENDANT'S OFFER:**

February 1, 2011 - \$7,500 Proposal for Settlement to Nidia Torres

**PLAINTIFF'S DEMAND:**

May 27, 2011 - \$250,000

**ATTORNEY'S COMMENTS:**

The accident occurred, according to Westgate employees, as a result of horseplay by Mr. Torres who was steering the bike. Westgate cross-claimed against Mr. Torres. The summary judgment was based on releases signed by both Mr. and Mrs. Torres prior to the renting of the bike. The trial court agreed the releases were enforceable.

Westgate agreed to waive its fees and costs in exchange for Plaintiffs' agreement not to appeal the summary judgment.

Submitted Art C. Young  
By:

Date: November 15, 2011

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

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