

CASE INFORMATION SHEET  
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**COUNTY AND COURT:**

Volusia County.

**NAME OF CASE:**

MARGARET STRAWN,

Plaintiff,

v.

AHMED SHAMSIN,

Defendant

**CASE DOCKET NO.:** 2009-32939-CICI      **JUDGE:** William A. Parsons

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

Luis R. Gracia, Esquire  
Thomas Caldwell, Esquire  
Rue & Ziffra, P.A.  
632 Dunlawton Avenue  
Port Orange, FL 32127

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

Vance R. Dawson, Esquire  
Steven B. Burres, Esquire  
Rissman, Barrett, Hurt,  
Donahue & McLain, P.A.  
201 East Pine Street  
15th Floor  
Orlando, FL 32802-4940

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

72 year old female/retired.

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

N/A

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

December 13, 2007 at approximately 9:30 a.m. at the intersection of Sterhaus and Nova Road in Daytona Beach, Florida.

**CAUSE OF INJURY:**

Plaintiff, Margaret Strawn, was a passenger in a Cadillac traveling northbound on Sterhaus Road. Dr. Ahmed Shamsin was traveling westbound on Nova Road when he approached the intersection of Sterhaus and Nova Road. Plaintiff's vehicle had the right of way as Dr. Shamsin had a stop sign on Nova Road.

Dr. Shamsin's intention was to turn left (southbound) from Nova onto Sterhaus. Dr. Shamsin made a complete stop at the stop sign on Nova Road and looked to determine whether it was safe to proceed through the intersection. Dr. Shamsin proceeded through the intersection because Mrs. Strawn's vehicle had its right blinker on and was slowing down, giving every indication the Cadillac was turning right (eastbound) onto Nova Road.

However, Mrs. Strawn's vehicle did not turn right on Nova Road and instead continued north on Sterhaus Road, causing Mrs. Strawn's vehicle to hit Dr. Shamsin's vehicle. The right fender of Mrs. Strawn's vehicle hit the left fender and door of Dr. Shamsin's vehicle. Mrs. Strawn claimed Dr. Shamsin failed to yield at the stop sign at the intersection of Sterhaus and Nova Road, causing her injuries.

**NATURE OF INJURY:**

Neck injury. Plaintiff subsequently underwent a two level discectomy and fusion at C4-5 and C5-6 and incurred \$89,000 in medical expenses.

**PLAINTIFF'S EXPERT WITNESSES:**

Dr. Mark Gillespy  
Dr. Albert W. Gillespy  
Orthopedic Institute of Daytona Beach  
1075 Mason Avenue  
Daytona Beach, FL 32117

Drs. Albert and Mark Gillespy testified they performed Mrs. Strawn's two level diskectomy and fusion at C4-5 and C5-6 on March 19, 2009. Dr. Mark Gillespy, who appeared via pre-recorded videotaped deposition, testified Mrs. Strawn's surgery was caused by the subject December 13, 2007 motor vehicle accident. However, Dr. Mark Gillespy was unaware of prior treatment Mrs. Strawn had undergone and had failed to disclose prior to surgery.

Dr. Albert Gillespy appeared live and also testified similar to his brother, Dr. Mark Gillespy. Dr. Albert Gillespy's medical opinion was that Mrs. Strawn's surgery was primarily due to the subject December 13, 2007 motor vehicle accident. However, Dr. Albert Gillespy also testified Mrs. Strawn's surgery was caused in part by degenerative changes in her neck which were unrelated to the accident.

**DEFENDANT'S EXPERT WITNESSES:**

Dr. Michael Foley  
101 East Kennedy Boulevard  
Suite 3900  
Tampa, FL 33602

Dr. Foley is a radiology expert. Dr. Foley stated Mrs. Strawn's two level diskectomy and fusion at C4-5 and C5-6 was performed as a result of her degenerative changes, not any trauma associated with the December 13, 2007 motor vehicle accident. Dr. Foley further testified there was no evidence to suggest there was any trauma to Mrs. Strawn's neck to cause her to undergo the surgery; rather, Mrs. Strawn's neck problems were associated with old age and degenerative conditions.

**DATE OF TRIAL:**

February 20, 2012.

**CHECK APPROPRIATE SPACE:**        X   Verdict

**DATE OF VERDICT:**

February 24, 2012

**VERDICT:**

\$5,462 Verdict for Plaintiff

**COMPARATIVE NEGLIGENCE:**

None.

**DEFENDANT'S OFFER:**

\$60,001

**PLAINTIFF'S DEMAND:**

Plaintiff demanded \$250,000 at mediation and \$180,000 during closing argument.

**ATTORNEY'S COMMENTS:**

Mrs. Strawn failed to disclose prior treatment to her neck in 1977 and 1991-1993 and at trial, she claimed she had forgotten about the treatment.

Plaintiff produced experts who opined her March 19, 2009 surgery was caused by her December 13, 2007 motor vehicle accident. Defendant produced an expert who opined Mrs. Strawn's surgery was related to degenerative changes in her neck, not the motor vehicle accident. Additionally, Mrs. Strawn's two level diskectomy and fusion at C4-5 and C5-6 took place fifteen months following her December 2007 car accident.

The trial lasted four days. The jury deliberated for one hour, fifteen minutes before returning a verdict for Mrs. Strawn. The jury concluded Dr. Shamsin was 100% negligent for this accident. However, the jury only awarded Plaintiff \$5,462 in past medical

expenses. The \$5,462 awarded to Mrs. Strawn in past medicals only represented five months of treatment following the subject accident and did not include Mrs. Strawn's two level diskectomy and fusion at C4-5 and C5-6, which took place in March of 2009.

**Submitted** Vance R. Dawson **Date:** April 13, 2012  
**By:** Steven B. Burre

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