

CASE INFORMATION SHEET  
FLORIDA LEGAL PERIODICALS, INC.  
P.O. Box 3370, Tallahassee, FL 32315-3730  
(904) 224-6649/(800) 446-2998 \* FAX (850) 222-6266

COUNTY AND COURT:

Brevard County Circuit Court

NAME OF CASE:

THOMAS JEWUSIAK,

Plaintiff,

v.

SANDY KAYE CONDOMINIUM ASSOCIATION, INC.,

Defendant

CASE DOCKET NO.: 05-2004-CA-029765      JUDGE: Larry Johnston,  
III

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

Alan Whitehead, Esq.  
Frese, Hansen, Anderson, Anderson, Heuston & Whitehead, P.A.  
Melbourne, Florida

Then Thomas Jewusiak, pro se Plaintiff

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

Robert J. Jack, Of Counsel  
Jason R. Urbanowicz, Esq.  
Rissman, Barrett, Hurt, Donahue & McLain, P.A.  
Orlando, Florida

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

N/A

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Sandy Kaye Condominium Association, Unit 901, Indialantic, Florida

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

Plaintiff sued the condominium association I which he lived alleging negligent failure to maintain the common elements, namely the roof above his penthouse unit.

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

Plaintiff sustained water intrusion damages to his penthouse unit in the hurricanes of 2004.

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

William J. Gibson, Roof and Building Consultant, Construction Engineer, Cocoa, FL.

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

Judith Duncan, Sentry Management, Longwood, Florida

Brian Duchene, P.E., LAC, MACTEC Engineering and Consulting, Inc., Orlando, FL

CHECK APPROPRIATE SPACE:

X  Verdict for Defendant

DATE OF VERDICT:

June 26, 2009

VERDICT AMOUNT [provide components of itemized verdict/settlement]:

N/A

COMPARATIVE NEGLIGENCE [if applicable]:

N/A

JUDGMENT:

Judgment in favor of Defendant. Entitlement to attorney's fees and costs was subsequently granted pursuant to a proposal for settlement.

DATE OF JUDGMENT:

July 10, 2009

DEFENDANT'S OFFER:

\$25,000 - Proposal for Settlement

PLAINTIFF'S DEMAND:

\$400,000

ATTORNEY'S COMMENTS:

Plaintiff's counsel, Alan Whitehead, withdrew from representation of the plaintiff. The case was continued allowing plaintiff to obtain other counsel or otherwise prepare for trial. No substitute counsel was obtained and plaintiff represented himself during the five (5) day trial.

After the jury returned its verdict, plaintiff filed a motion to interview the jurors. He alleged that defense counsel improperly mentioned his website on which he was offering his unit for sale for \$1,000,000. He found traffic to his website increased during the week of the trial and believed the jurors

had been googling it and viewing his website thereby reviewing facts outside the evidence. The motion was denied. Plaintiff also filed a motion for mistrial after the trial concluded. That motion was denied as well.

Submitted Jason R. Urbanowicz Date: November 11, 2009  
By:

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

Address: 201 E. Pine Street, Suite 1500  
P.O. Box 4940  
Orlando, FL 32802-4940

Telephone: (407) 839-0120

Fax: (407) 841-9726