

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:

Orange County, Circuit Civil

NAME OF CASE:

GRISELLE HEREDIA, Plaintiff,
v.
ORLANDO HEALTH, INC. d/b/a ORLANDO REGIONAL MEDICAL CENTER,
Defendant.

CASE DOCKET NO.: 2011-CA-3825 **JUDGE:** John Marshall Kest

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

W. Andrew Rariden, Esquire
Piercy Stakelum, Esquire
The Trial Professionals
1218 E. Robinson Street
Orlando, FL 32801

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

Vance R. Dawson, Esquire
Juan A. Ruiz, Esquire
Rissman, Barrett, Hurt, Donahue & McLain, P.A.
Post Office Box 4940
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

37 year old female/unemployed

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Ms. Heredia sued Orlando Health, Inc. alleging that on or about October 15, 2008 while she was a visitor at Orlando Regional Medical Center, she slipped and fell in a hallway on the seventh floor of the hospital while visiting her mother who was a patient at the hospital.

According, to Ms. Heredia, prior to slipping and falling, she saw a "nurse" walking towards her in the same hallway. As the "nurse" was about to pass her, Ms. Heredia claims that the "nurse" herself slipped and almost fell. Immediately thereafter, Ms. Heredia slipped and fell. Ms. Heredia testified that the "nurse" helped her to her feet and apologized to her for the fall. While apologizing the "nurse" allegedly told Ms. Heredia that the hospital had just finished mopping that area.

Ms. Heredia also testified that when she was on the floor, after her fall, she looked down the hallway and saw a man with a mop and a bucket. She also claimed that floor felt wet when she touched it and that her pant legs were wet following the fall.

CAUSE OF INJURY:

Ms. Heredia claimed that as a result of the fall she suffered injury to her right and left hand/wrist, right knee, neck and back. The injury to her neck and back included disc herniations in both her cervical and lumbar spine.

Ms. Heredia further alleged that as a result of the fall and resulting injury she underwent surgery by Dr. Scott Katzman on December 9, 2010. Dr. Katzman performed an L4-5 lateral transpedicular lumbar discectomy with decompression of the spinal cord, an L5-S1 lateral transpedicular lumbar discectomy with decompression of the spinal cord as well as a rhizotomy at L4-5, L5-S1.

NATURE OF INJURY:

Ms. Heredia continued to complain of low back and neck pain following the surgery by Dr. Katzman. According to Dr. Katzman, MRIs of her cervical and lumbar spine showed disc herniations at L4-5 and L5-S1 with annular tears, and disc herniations at C4-5 and C5-6.

Dr. Katzman recommended future fusion surgeries be performed on Ms. Heredia at the site of the herniations of both her lumbar and cervical spine.

Ms. Heredia further claimed that she suffered emotional pain and suffering as a result of the fall and resulting medical treatment. The pain and suffering was affecting her ability to enjoy life and interact with her children.

PLAINTIFF'S EXPERT WITNESSES:

Scott Katzman, M.D. - Orthopedic Surgery
2401 Frist Blvd.
Ft. Pierce, FL 34950

Dr. Katzman testified that Ms. Heredia's claimed injuries were causally related to the October 15, 2008 fall. He disputed that Ms. Heredia had any preexisting injuries to her spine. He testified that Ms. Heredia would need future surgery on her lumbar and cervical spine.

DEFENDANT'S EXPERT WITNESSES:

Michael J. Foley, M.D. - Radiology
101 East Kennedy Boulevard
Suite 3900
Tampa, FL 33602

Dr. Foley opined that Ms. Heredia did not sustain any injury to either her cervical or lumbar spine as a result of the fall. He felt that all of the findings on her post fall imaging studies represented preexisting degenerative changes to her spine. Dr. Foley did not think that any need for future surgery was causally related to the fall.

Nicole D. Bonaparte, CPC - Medical Coding
3215 SW 67th Avenue
Miramar, FL 33023

Ms. Bonaparte reviewed Dr. Katzman's medical bill for the services he provided to Ms. Heredia and opined that the bills were not in compliance with CPT coding procedures. Dr. Katzman's bill were not itemized and included several charges that were well outside the reasonable and customary range of charges by other similar physicians for the same services.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

September 14, 2012

VERDICT:

Defense Verdict

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

Not yet been entered.

DATE OF JUDGMENT:

N/A

DEFENDANT'S OFFER:

\$5,001 - Via a proposal for settlement

PLAINTIFF'S DEMAND:

\$275,000

ATTORNEY'S COMMENTS:

At trial, Ms. Heredia was unable to positively identify any eyewitnesses to her fall. She also conceded that she did not see anything on the floor, either before or after her fall that may have caused her fall. She further conceded that she did not feel the floor immediately after the fall, did not know how long any foreign substance might have been on the floor before her fall and that ultimately, she did not know what was on the floor that caused her to fall.

Dr. Katzman testified at trial, via videotape, that the herniations shown on the MRIs of Ms. Heredia's cervical and lumbar spine were causally related to the October 15, 2008 fall. Dr. Katzman specifically denied that any of the findings on the MRIs of Ms. Heredia's cervical and lumbar spine were preexisting or degenerative in nature.

The defense presented evidence at trial of two prior motor vehicle accidents in which Ms. Heredia was involved as well as medical records reflecting treatment to her cervical and lumbar spine following those motor vehicle accidents.

Defendant's radiology expert, Dr. Michael Foley, testified that based upon his review of Ms. Heredia's MRIs there were no herniations present and that any findings were more consistent with preexisting degenerative changes. He also testified that Ms. Heredia's December 9, 2010 surgery was not causally related to the fall and that Ms. Heredia would not need surgery on her cervical spine or any further surgery to her lumbar spine.

Defendant's medical coding expert, Nicole Bonaparte, testified regarding Dr. Katzman's medical bill for his treatment of Ms. Heredia. Dr. Katzman submitted a \$50,000 bill for the surgery and office visits. Ms. Bonaparte testified that Dr. Katzman's bill was highly inflated due to Dr. Katzman's failure to follow appropriate CPT coding protocol, including but not limited to, failing to provide a detailed itemization of the procedures performed and failing to provide supporting documentation for the care provided.

