

CASE INFORMATION SHEET
FLORIDA LEGAL PERIODICALS, INC.
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COUNTY AND COURT:

Seminole County Civil Court

NAME OF CASE:

VIOLET JOHNSON,

Plaintiff,

v.

LIEU LE,

Defendant.

_____ /

CASE DOCKET NO.: 10-CA-372-08-W **JUDGE:** Alan A. Dickey

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

Tom DeLattre, Esquire
Glen D. Wieland, Esquire
Wieland, Hilado & Delattre, P.A.
790 N. Orange Avenue
Orlando, FL 32801

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

F. Dean Hewitt, Esquire
Jeremy T. Palma, Esquire
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
201 E. Pine Street, 15th Floor
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

55 year old female/unemployed cook.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

October 24, 2009 in the westbound lanes of West 25th Street in Sanford, Florida.

CAUSE OF INJURY:

Plaintiff, a pedestrian, claimed that she was injured when the Defendant failed to see Plaintiff and struck her at approximately 35 mph. Plaintiff was attempting to cross four lanes of traffic and was not walking in a crosswalk at the time of the accident.

Ms. Johnson was holding a dog leash in her right hand and a 12 pack of beer in her left hand. Ms. Johnson testified that she never saw Ms. Le's vehicle prior to the accident. Ms. Le testified that she did not see Ms. Johnson until Ms. Johnson was directly in front of Ms. Le's vehicle.

Ms. Le was driving under the speed limit and was looking straight ahead at the time of the accident. It was dark and the weather was clear.

NATURE OF INJURY:

Plaintiff sustained severe orthopaedic injuries to her left ankle and right shoulder.

PLAINTIFF'S EXPERT WITNESSES:

Robert Kennedy, PhD, CPE
4401 E. Colonial Dr; Ste 105
Orlando, Fl 32803

Plaintiff called Dr. Kennedy, a Human Factors expert, as a witness at trial. Dr. Kennedy testified that the Defendant would have had approximately two seconds to perceive and react to observing the Plaintiff directly in front of her vehicle. Dr. Kennedy testified that the Defendant would have initially

observed the Plaintiff from approximately 150 feet away. Dr. Kennedy testified that the Defendant should have been able to bring her vehicle to a stop within 140 feet, thus leaving 10 feet between the vehicle and the Plaintiff.

DEFENDANT'S EXPERT WITNESSES:

Not applicable.

CHECK APPROPRIATE SPACE: √ Directed Verdict

DATE OF DIRECTED VERDICT:

October 3, 2012

VERDICT:

Directed verdict for the defense.

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

For Lieu Le.

DATE OF JUDGMENT:

Not yet entered.

DEFENDANT'S OFFER:

On August 17, 2010 a Proposal for Settlement was sent to Plaintiff in the amount of \$45,000.

PLAINTIFF'S DEMAND:

At mediation, Plaintiff's counsel stated that the case could settle for an amount in the \$100,000 to \$250,000 range, indicating a mid point of \$175,000.

ATTORNEY'S COMMENTS:

Plaintiff failed to establish facts of negligence. The uncontroverted evidence established that the Defendant was driving under the speed limit, looking straight ahead and was not distracted at the time of the accident.

The defense moved for directed verdict at the close of Plaintiff's case on negligence. The motion for directed verdict was granted.

Submitted F. Dean Hewitt
By: Jeremy T. Palma

Date: October 24, 2012

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

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FDH/JTP/kjf