

MARION COUNTY

(34) ANGELLA ABEL vs. U.S. HEALTHWORKS MEDICAL GROUP OF FLORIDA, INC., a/k/a U.S. HEALTHWORKS, INC.

COUNTY/DOCKET #/JUDGE: Marion / 05-1156-CAB / Victor J. Musleh

PLAINTIFF(S) ATTORNEY(S): Jonathan I. Rotstein, Daytona Beach

DEFENDANT(S) ATTORNEY(S): Vance R. Dawson and Laura B. Floyd of Rissman, Barrett, et al., Orlando

AGE/SEX/OCCUPATION OF PLAINTIFF: 32 / F / Maintenance Worker

CAUSE OF INJURY: *Premises Liability/Physical Therapy Center/Wet Floor Causing Crutches to Slip.* On June 14, 2002, Plaintiff fell and twisted her ankle at Eddie Woods Stables where she was employed as a maintenance worker. That same day, Plaintiff presented to Defendant U.S. Healthworks, in Ocala, and was prescribed crutches and an air cast for her ankle. Three days later, on June 17, Plaintiff returned to Defendant's facility for physical therapy. After leaving one of Defendant's buildings, Plaintiff walked down the sidewalk and entered another one of Defendant's buildings. Plaintiff alleged that upon entering the lobby, her crutches slipped on the supposedly wet floor causing her to place her right foot, which was protected by the air cast, down on the floor. Plaintiff testified that she did not actually fall. Dr. Chang, Plaintiff's treating physician, stated that she had to rely upon Plaintiff's veracity in order to conclude that Plaintiff had subjective complaints of pain and that the complaints originated on one particular date. Dr. Chang's records indicated, on more than one occasion, that Plaintiff reported having fallen on both June 14 and June 17. Based upon this inaccurate subjective history, Dr. Chang concluded that Plaintiff's current complaints and injury, to the extent that they were diagnosed, were related to both incidents concurrently. However, Dr. Chang admitted that if Plaintiff had not fallen on June 17, her opinion regarding causation would be that the injury, if any, was due to the June 14 incident.

NATURE OF INJURY: Dr. Chang's first progress note, dated July 29, included a radiographic interpretation which indicated that the films of Plaintiff's right foot and ankle were all within normal limits. Plaintiff's August MRI supposedly demonstrated a tear of the tendons in her right ankle. However, Dr. Chang admitted that the MRI was not a very good quality film; therefore she ordered another film in April 2003. The last film taken, dated April 2003, was entirely within normal limits.

EXPERT WITNESSES:

PLAINTIFF'S: Laurette Chang, M.D., Orthopedic Surgery, Lafayette, IN (depo)

VERDICT: *For the Defendant on May 1, 2006.*