

VOLUSIA COUNTY

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(80) ROSA A. VELAZQUEZ vs. PUBLIX SUPER MARKETS, INC.**COUNTY/DOCKET #JUDGE:** Volusia / 2005-31640-CICI / Richard S. Graham**PLAINTIFF(S) ATTORNEY(S):** Colette M. Heck, Daytona Beach**DEFENDANT(S) ATTORNEY(S):** Art C. Young and Laura B. Floyd of Rissman, Barrett, et al., Orlando**AGE/SEX/OCCUPATION OF PLAINTIFF:** 62 / F / Bridal Shop Owner**CAUSE OF INJURY:** *Falldown/Grocery Store.* On November 20, 2002, at approximately 9:40 a.m., Plaintiff allegedly fell at Defendant's store in Port Orange. Plaintiff claimed that she slipped and fell on a slippery substance. Defendant's store manager and an independent customer eyewitness both testified that they inspected the floor after the incident; it was clear and dry.**NATURE OF INJURY:** Protruding discs at C5-C6 and C6-C7; back injuries. Although she had been involved in prior motor vehicle accidents which caused neck and back injuries, Plaintiff insisted that she had new injuries as a result of this accident. Plaintiff specifically claimed that she needed a cervical fusion as a result of herniated discs allegedly related to her fall. Dr. Tweed, Dr. Benezette, Dr. Doan, and Dr. Cummins were Plaintiff's treating physicians. Dr. Tweed testified that Plaintiff was a surgical candidate with respect to her neck injuries. Dr. Benezette testified that Plaintiff had a 16% permanent impairment rating and would need neurological follow-up to monitor her condition and medications. Dr. Doan testified that, upon presentation to the emergency department, Plaintiff's objective findings were normal. Dr. Cummins administered one epidural steroid injection to Plaintiff, but she did not return to complete his recommended series of injections.**EXPERT WITNESSES:**

PLAINTIFF'S: Clyde Gilbert Tweed, M.D., Neurosurgery, Daytona Beach
 Alyn L. Benezette, D.O., Neurology, S. Daytona
 Hung Doan, M.D., Emergency Medicine, Daytona Beach
 David T. Cummins, M.D., Pain Management, Daytona Beach

VERDICT: *For the Defendant on May 22, 2007.***EDITOR'S NOTE:** Plaintiff demanded \$60,000; Defendant entered a Proposal for Settlement in the amount of \$2,501. Defendant's Motion Attorney's Fees and Costs is pending.

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