

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

Orange County Circuit Court

NAME OF CASE:

LEROY JARVIS,

Plaintiff,

v.

CITY OF ORLANDO; CLEANEVENT USA, INC.; LEVY PREMIUM FOODSERVICE LIMITED PARTNERSHIP d/b/a ORLANDO FOODSERVICE PARTNERS and LEE, WESLEY & ASSOCIATES, INC. d/b/a ORLANDO FOODSERVICE PARTNERS,,

Defendants

CASE DOCKET NO.: 2010-CA-008268-0 **JUDGE:** A. Thomas Mihok

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

Harran E. Udell, Esquire
Morgan & Morgan, P.A.

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

Cleanevent USA, Inc.

Art C. Young, Esquire
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.

City of Orlando

Austin L. Moore, Esquire
Assistant City Attorney

Levy Premium Foodservice Limited Partnership d/b/a Orlando Foodservice Partners and Lee, Wesley & Associates, Inc. d/b/a Orlando Foodservice Partners

David S. Harrigan, Esquire
Cole, Scott & Kissane, P.A.

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Plaintiff was a 54 year old male who owned and operated a landscaping business at the time of the subject accident.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

April 3, 2009 at 7:26 p.m. in the Section 205 concourse, walking through concession area of Amway Arena during an Orlando Magic game.

CAUSE OF INJURY:

Slip and fall on a pickle that was on the floor.

NATURE OF INJURY:

Separation of AC joint in right and left shoulders. Mr. Jarvis claimed that as a result of the subject fall, he ripped a ligament and shattered the bone in his shoulder. He also claimed injury to the ACL of both knees. He had a 4 level cervical fusion in 2011. He initially claimed lost wages of \$2,000 per month since the time of the fall.

PLAINTIFF'S EXPERT WITNESSES:

N/A

DEFENDANT'S EXPERT WITNESSES:

N/A

CHECK APPROPRIATE SPACE: X Summary Judgment

DATE OF SUMMARY JUDGMENT:

May 28, 2013

VERDICT:

N/A

COMPARATIVE NEGLIGENCE:

N/A

FINAL SUMMARY JUDGMENT:

May 28, 2013

DEFENDANT'S OFFER:

May 21, 2013 Proposal for Settlement for \$7,500, withdrawn on May 28, 2013.

PLAINTIFF'S DEMAND:

N/A

ATTORNEY'S COMMENTS:

Judge Mihok granted the summary judgment and found that there was no contractual duty for Cleanevent to clean this area of the Arena. Additionally, he found that there was no constructive notice of this transitory foreign substance and, therefore, he granted the motion pursuant to §768.0755 (2010), which was applied retroactively.

Submitted By: Art C. Young **Date:** June 25, 2013

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

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