

CASE INFORMATION SHEET
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Florida Jury Verdict Reporter Reference Number:

(A) ALNORD PIERRE vs. STATE FARM FIRE AND CASUALTY COMPANY

COUNTY AND COURT: Orange/2011-CA-1677/Donald A. Myers, Jr.

PLAINTIFF(S) ATTORNEY(S)/TRIAL COUNSEL: Alnord Pierre, Pro Se

DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL: F. Paul Tipton of
Rissman, Barrett, et al, Orlando

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:37/M/Various service
jobs

CAUSE OF INJURY:

This case arose out of claim for uninsured motorist benefits brought by Plaintiff, Alnord Pierre, against Defendant, State Farm Fire and Casualty Company, as a result of injuries Mr. Pierre allegedly sustained as a result of having been involved in an August 31, 2008 rear-end accident in which a vehicle rear-ended Mr. Pierre's vehicle after having been rear-ended by a third vehicle that fled the scene.

On March 20, 2013 Defendant filed a Motion for Sanctions for Dismissal with Prejudice requesting the Court to dismiss Plaintiff's lawsuit against State Farm for Plaintiff having perpetuated a fraud upon the Court arising out of misrepresentations Plaintiff had made during both the presentation of his UM claim as well as during litigation.

Defendant's Motion to Dismiss was based on Plaintiff having misrepresented certain significant information regarding the August 31, 2008 accident and his injuries from that accident, having failed to disclose a prior motor vehicle accident and the treatment he received for injuries he sustained in that accident when testifying at his deposition, failing to disclose two subsequent accidents and injuries he received in those accidents as well as in another disclosed subsequent motor vehicle accident, misrepresentations he made relevant to his arrest record, and misrepresentations relative to his employment history.

Plaintiff testified that he had been in no earlier accidents, not treated with a chiropractor and not undergone any earlier MRIs before the August 31, 2008 date of accident. However, Plaintiff had been involved in an accident in the same year, treated with a chiropractor 39 times and had undergone an MRI just months before the August 31, 2008 accident.

Plaintiff further testified that he had been involved in only one subsequent accident in which he had not sustained injuries. However, the records reflected that Plaintiff had been involved in three subsequent motor vehicle accidents and had sustained injuries for which he received treatment in two of those accidents.

In both Plaintiff's Answers to Interrogatories and at the time of his January 12, 2012 deposition, Plaintiff testified that he had never been arrested. However, the records reflected that Plaintiff had been arrested and charged with "giving a false name while arrested or detained, carrying a concealed weapon and driving without valid license" in Indian River County.

Plaintiff testified that he had stopped working at a subsequent employer because the job had ended. However, the records reflected that Plaintiff had been terminated.

NATURE OF INJURY:

Plaintiff claimed that as a result of the accident he injured his back, neck and both shoulders.

EXPERT WITNESSES:

<u>PLAINTIFF'S:</u>	N/A
<u>DEFENDANT'S:</u>	N/A

VERDICT:

On August 27, 2013 Judge Donald Myers, Jr. issued an order dismissing Plaintiff's Complaint With Prejudice.

Defendant is in the process of filing a Motion to Tax Attorney's Fees and Costs pursuant to a Proposal for Settlement which Defendant served on October 12, 2011.

DEFENDANT'S ATTORNEY'S COMMENTS:

On November 19, 2009 then counsel for Plaintiff wrote State Farm demanding the \$50,000 in policy limits on behalf of Mr. Pierre. State Farm was unable to evaluate Mr. Pierre's claims because of his failure to answer questions at his examination under oath and provide information regarding prior accidents and injuries and consequently made no offer to settle.

Submitted By: F. Paul Tipton **Date:** October 14, 2013

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FPT/jco