

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

Brevard County, Circuit Court

**NAME OF CASE:**

PEGGY LIFORD

Plaintiff,

v.

KELVIN GRANADOS,

Defendant.

**CASE DOCKET NO.: 05-2008-CA-04981 JUDGE: George Maxwell III**

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

Christian A. Lindbaek, Esquire  
Eric Gillin, Esquire  
Gillin, Gillin and Lindbaek, P.A.  
780 South Apollo Boulevard  
Melbourne, FL 32901

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

John P. Daly, Esquire  
Sean M. Crocker, Esquire  
Rissman, Barrett, Hurt,  
Donahue & McLain, P.A.  
201 East Pine Street  
Suite 1500  
Orlando, FL 32801

**AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:**

At the time of the subject automobile accident, plaintiff, Peggy Liford, was a 70-year-old female housekeeping manager at an assisted living facility.

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

N/A

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

Plaintiff was allegedly injured as a result of a rear-end automobile collision which occurred on February 6, 2008 in Melbourne, Brevard County, Florida.

**CAUSE OF INJURY:**

At the time of the accident, the car driven by defendant, Kelvin Granados, was traveling northbound on Babcock Street in Melbourne, Florida. As Mr. Granados approached the intersection of Babcock Street and Florida Avenue, the vehicle in front of him stopped suddenly. When Mr. Granados changed lanes to avoid this vehicle, he rear-ended the vehicle driven by Ms. Liford. This impact caused the front of Ms. Liford's vehicle to strike the rear of the vehicle in front of Ms. Liford.

**NATURE OF INJURY:**

Plaintiff alleged permanent injuries to her neck, left thigh and right wrist. Plaintiff treated with Dr. Gary Weiss, Dr. Donald Vliegenthart and Dr. John Hermansdorfer for her injuries. MRIs of plaintiff's cervical spine revealed several herniated discs along with degenerative disc disease. Dr. Vliegenthart palpated a "knot" or "divot" in plaintiff's left thigh, which plaintiff alleged resulted from her thigh striking the steering wheel or dashboard.

On July 14, 2011, Dr. Hermansdorfer performed surgery on plaintiff's right wrist which included a distal radiocarpal joint resection and reconstruction, and carpal tunnel and ulnar releases. Plaintiff alleged this surgery was the necessary to address an injury resulting from the forces

her wrist experienced due to gripping the steering wheel in order to brace herself at the time of the impact.

**PLAINTIFF'S EXPERT WITNESSES:**

Dr. Gary Weiss, Neurologist  
Weiss and Newberry  
Palm Bay, FL

Dr. Weiss was one of plaintiff's treating physicians. He testified that plaintiff's neck condition was permanent and caused by the car accident. He interpreted the cervical MRI films as demonstrating acute disc protrusions related to the accident.

Dr. Donald Vligenthart, Orthopedic Surgeon  
First Choice Medical Group  
Melbourne, FL

Dr. Vligenthart was one of plaintiff's treating physicians. He testified that plaintiff's neck, wrist and thigh injuries were permanent and caused by the car accident.

Dr. John Hermansdorfer, Orthopedic Surgeon  
Atlantic Orthopedic Group  
Melbourne, FL

Dr. Hermansdorfer was one of plaintiff's treating physicians and performed surgery on the plaintiff's right wrist. Dr. Hermansdorfer concluded that underlying arthritis in the plaintiff's wrist had been aggravated by the subject accident.

**DEFENDANTS' EXPERT WITNESSES:**

Dr. James Ipser, Physicist  
University of Florida  
Gainesville, FL

Dr. Ipser performed an accident reconstruction. He concluded that the subject accident had involved slow speeds and low forces, and that plaintiff had not been wearing her seatbelt.

Dr. F. Reed Murtagh, Radiologist  
University Diagnostic Institute  
Tampa, FL

Dr. Murtagh read plaintiff's MRIs and other diagnostic studies and concluded that the findings were arthritic and degenerative in nature and pre-existed the subject accident.

Dr. Craig Jones, Orthopedic Surgeon  
Orlando Orthopedic Center  
Orlando, Fl

Dr. Jones was defendant's Compulsory Medical Examiner. He concluded that plaintiff had not been permanently injured by the subject accident and that her symptoms and conditions were attributable to long standing arthritis.

**VERDICT:**

The jury found both defendant and plaintiff had been negligent, apportioning 60% of the fault to defendant and 40% to plaintiff for failure to wear her seatbelt. The jury found plaintiff was not permanently injured and only awarded past medical bills in the amount of \$6,707.28.

**DATE OF VERDICT:**

September 27, 2013

**DATE OF JUDGMENT:**

Pending

**DEFENDANTS' OFFER:**

Defendant served a \$10,000 proposal for settlement on March 11, 2010.

**PLAINTIFF'S DEMAND:**

Plaintiff requested the jury award \$180,000.

**ATTORNEY'S COMMENTS:**

Defendant admitted his negligence caused the accident but denied causing plaintiff's injuries, which defendant

maintained pre-existed the subject accident. Defendant also argued that plaintiff herself had been negligent for failing to wear her seatbelt.

Plaintiff denied having had prior similar injuries or symptoms and maintained that any arthritis or degenerative disease revealed on the diagnostic images had been asymptomatic prior to and aggravated by the accident.

Plaintiff also maintained she had been wearing her seatbelt. The jury's assignment of comparative negligence to plaintiff indicates they accepted defendant's seatbelt defense.

Post trial application of collateral source offsets will reduce the verdict to zero and result in a final judgment for defendant. Defendant should be entitled to attorney's fees based on a \$10,000 proposal for settlement made early in the case.

**Date:** November 5, 2013

**Submitted By:** John P. Daly  
Sean M. Crocker

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