

CASE INFORMATION SHEET
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COUNTY AND COURT:

Orange County Circuit Court, Orlando, Florida

NAME OF CASE:

Tami D. Jones,

Plaintiff,

v.

James M. Jennings,

Defendant.

CASE DOCKET NO.: 2011-CA-006053-0 JUDGE: Donald Grincewicz

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

T. Michael Morgan, Esquire
Keith Mitnik, Esquire
Morgan & Morgan, P.A.
20 N. Orange Avenue
Suite 1600
Orlando, FL 32801

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

Vance R. Dawson, Esquire
Aaron E. Eagan, 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, Tami Jones, was an unemployed 41-year-old female.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Plaintiff was allegedly injured as a result of a side-impact automobile collision which occurred on December 1, 2010 at 10:55 a.m. on Michigan Street in Orlando, Florida.

CAUSE OF INJURY:

At the time of the accident, defendant, James Jennings, was operating his vehicle northbound on Ferncreek Avenue in Orlando, Orange County, Florida. Plaintiff, Tami Jones, was riding as a passenger in a vehicle driven by her adult son travelling eastbound on Michigan Avenue. Defendant attempted to make a left turn onto westbound Michigan Avenue from Ferncreek under a permissive green light as Plaintiff's vehicle approached the Ferncreek intersection from the eastbound side of Michigan Avenue. The two vehicles collided near the Michigan and Ferncreek intersection, resulting in a side impact to the passenger side of plaintiff's vehicle.

NATURE OF INJURY:

Plaintiff alleged that as a result of the accident, she sustained a whiplash-type injury to her cervical spine which caused a traumatic disc herniation at the C6-7 vertebral level. Plaintiff claimed that as a result of the C6-7 herniation, she suffered from severe and permanent neck pain, headaches and a reduced cervical range of motion. Plaintiff also claimed that the accident caused her to suffer from a temporary flare-up of lumbar pain.

Plaintiff had an extensive history of preexisting cervical and lumbar problems predating the subject accident that began as early as 2004. Prior to the December 1, 2010 accident, plaintiff had undergone a total of four cervical surgeries and two lumbar surgeries, the most recent of which had occurred approximately one month prior to the accident. Plaintiff had received fusion instrumentation at the disc levels immediately adjacent to the C6-7 level allegedly injured in the subject accident.

Immediately following the subject accident, plaintiff presented to Florida Hospital where she was underwent radiology studies.

Plaintiff was discharged from Florida Hospital the same day and began treating with Dr. Paul Sawin and Dr. Richard Smith shortly thereafter for her injuries. Dr. Sawin, her primary orthopedist, assessed a disc herniation at the C6-7 level based on radiology studies that had been interpreted by reading radiologist, Dr. George Stanley. Dr. Sawin attributed the C6-7 herniation to a whiplash-type injury sustained during the December 1, 2010 subject accident.

On March 8, 2011, Dr. Sawin performed surgery on plaintiff's cervical spine. This procedure consisted of an anterior cervical arthrodesis and discectomy with instrumentation at the C6-7 level. Following surgery, plaintiff continued to treat with Dr. Sawin for continued orthopedic care and with Dr. Smith for pain management.

PLAINTIFF'S EXPERT WITNESSES:

**Dr. Paul Sawin, Neurosurgeon
Orlando Neurosurgery, Inc.
Winter Park, FL**

Dr. Sawin was plaintiff's primary orthopedist and performed her fusion surgery. He testified that plaintiff's cervical pain was the result of an acute disc herniation at the C6-7 level. Dr. Sawin interpreted plaintiff's radiology films as demonstrating the presence of a traumatic herniation and testified that the plaintiff's C6-7 herniation and need for surgery was likely occasioned by the subject accident.

**Dr. Richard Smith, Pain Management
Pain Specialists, Inc.
Orlando, FL**

Dr. Smith was plaintiff's pain management specialist and testified as to his treatment of plaintiff's cervical pain. Plaintiff had been treating with Dr. Smith for cervical and lumbar pain prior to the December 1, 2010 subject accident.

**Dr. George Stanley, Radiologist
University Diagnostic Institute
Orlando, FL**

Dr. Stanley was plaintiff's interpreting radiologist and testified that plaintiff had sustained a new disc herniation at the C6-7 level.

DEFENDANT'S EXPERT WITNESSES:

**Dr. Gregory Munson, Orthopedic Surgeon
Jewett Orthopedic Clinic
Winter Park, FL**

Dr. Munson reviewed plaintiff's medical records and imaging studies and concluded that her complaints of cervical pain were the result of a preexisting degenerative condition that predated the accident, and that the finding at the C6-7 level was the result of a degenerative process that was unrelated to any acute trauma.

**Dr. Michael Foley, Radiologist
Radiology Consultants
Tampa, FL**

Dr. Foley reviewed plaintiff's x-rays, MRI and CT films and concluded that a disc bulge at the C6-7 level was visible on films predating the subject accident. Dr. Foley also opined that the only change visible on the plaintiff's post-accident films was the formation of osteophytes, suggesting that the disc bulge had been present before the December 1, 2010 accident.

VERDICT:

The jury found no negligence on the part of defendant, James Jennings.

DATE OF VERDICT:

April 4, 2014

DATE OF JUDGMENT:

May 15, 2014

DEFENDANT'S OFFER:

Defendant served a \$7,501 Proposal for Settlement on December 20, 2013.

PLAINTIFF'S DEMAND:

Plaintiff served a \$100,000 Proposal for Settlement on December 19, 2013. During closing, Plaintiff requested that the jury award \$100,000.

ATTORNEY'S COMMENTS:

Defendant disputed both liability and causation. Defendant maintained that the plaintiff's son, who was listed as a **Fabre** defendant on the verdict form, was responsible for causing the accident. Defendant also characterized the accident as a low impact event.

The defense argued that the plaintiff's alleged cervical pain was the result of an ongoing degenerative process for which she had been treating prior to the subject accident. During trial, plaintiff acknowledged her preexisting history of cervical and lumbar pain, but maintained that her cervical pain had entirely resolved prior to the accident. The defense contended that the plaintiff's medical records demonstrated that she had been treating for cervical pain immediately prior to the subject accident.

Date: September 2, 2014

Submitted By: Vance Dawson
Aaron Eagan

Firm: Rissman, Barrett, Hurt,
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