

CASE INFORMATION SHEET
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COUNTY AND COURT:

Circuit Court in and for Brevard County, Florida

NAME OF CASE:

JULIE DUNN and ROGER DUNN,

Plaintiffs,

v.

AHMED ABDEL-MAGID and SHARIF ABDEL-MAGID,

Defendants

CASE DOCKET NO.: 2013-CA-40364

JUDGE: John D. Moxley, Jr.

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

Gregory J. Donoghue
N. John Hedrick
Law Offices of Donoghue & Holland, P.A.
2201 Dairy Road
Melbourne, Florida 32904

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

Vance R. Dawson
Juan A. Ruiz
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
201 East Pine Street
Suite 1500
Orlando, Florida 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Age: 53 year-old, Female, Hairdresser

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

Not applicable

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Approximately 10:00 a.m. on September 20, 2010. The accident occurred on Eau Gallie Boulevard near Avocado Avenue in Melbourne, Brevard County, Florida.

CAUSE OF INJURY:

This was a three car rear-end collision. The vehicle driven by the Defendant, Sharif Abdel-Magid, struck a van driven by Mr. Dean Belmont in the rear. Mr. Belmont's vehicle then struck the rear of Plaintiff, Julie Dunn's vehicle. This was an extremely low impact crash. There was no damage to any of the vehicles involved.

NATURE OF INJURY:

Multi-level cervical and lumbar disc herniations.

Tear of the right supraspinatus tendon - surgical recommendation.

PLAINTIFF'S EXPERT WITNESSES:

Daniel Beirne, M.D.
Radiology
512 Bahama Drive
Indian Harbour Beach, Florida 32937

Dr. Beirne opined that Ms. Dunn's shoulder injury was acute in nature and causally related to the automobile accident. He did not believe there were any signs associated with a chronic condition.

Shawn T. Eagan, DC
Chiropractor
Dr. Shawn T. Eagan, P.A.
1310 W. Eau Gallie Boulevard
Suite A
Melbourne, Florida 32935

Dr. Eagan provided chiropractic care to Ms. Dunn immediately following the accident. He attempted to causally relate her neck and back injuries to the automobile accident.

Dr. Eagan conceded on cross-examination that Ms. Dunn did not make any complaints with respect to her right shoulder for several weeks after the automobile accident.

Anthony Lombardo, M.D.
Orthopedic Surgeon
First Choice Medical Group of Brevard
709 South Harbor City Boulevard
Suite 100
Melbourne, Florida 32901

Dr. Lombardo opined that Ms. Dunn's shoulder injury was causally related to the automobile accident. He recommended surgery to correct the rotator cuff tear.

DEFENDANT'S EXPERT WITNESSES:

Michael Foley, M.D.
Radiologist
Radiographic Consultants, LLC
101 East Kennedy Boulevard
Suite 3900
Tampa, Florida 33602

Dr. Foley opined that the findings in Ms. Dunn's right shoulder were indicative of a long standing degenerative condition that pre-existed the automobile accident.

Dr. Foley also opined that the findings on Ms. Dunn's cervical and lumbar spine were degenerative in nature and not related to the automobile accident.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

August 29, 2014

VERDICT:

Defense Verdict

COMPARATIVE NEGLIGENCE:

None.

JUDGMENT:

Not yet entered.

DATE OF JUDGMENT:

Not yet entered.

DEFENDANT'S OFFER:

\$11,000 Proposal for Settlement

PLAINTIFF'S DEMAND:

\$22,000 Proposal for Settlement

ATTORNEY'S COMMENTS:

This was a rear-end collision. Defendants admitted negligence and this case was tried solely with respect to causation and damages.

A Motion to Tax Costs and for Attorney's Fees pursuant to the defense's Proposal for Settlement will be filed upon entry of Final Judgment.

Submitted By: Juan A. Ruiz Date: September 29, 2014

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

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