

COUNTY AND COURT:

Orange County Circuit Court

NAME OF CASE:

MARILYN HARRIS,

Plaintiff,

v.

WESTGATE VACATION VILLAS OWNERS ASSOCIATION, INC.

Defendant.

CASE DOCKET NO.: CASE NO. 2012 CA-18244

JUDGE: Janet Thorpe

PLAINTIFF'S ATTORNEYS/TRIAL COUNSEL:

Paul Reed
Paul Reed II
Reed and Reed
Brandon, Florida

DEFENDANT'S ATTORNEYS/TRIAL COUNSEL:

Art C. Young
Meredith M. Stephens
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
Orlando, Florida

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

On the date of the incident, Plaintiff was 52 years old. She lived in Brunswick, Georgia. She last worked as a certified nursing assistant.

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

The case involved a fall at Westgate Vacation Villas in Orlando. The accident occurred on August 18, 2012 when Mrs. Harris tripped over an orange caution netting that was on the ground on Westgate property around a construction area.

CAUSE OF INJURY:

Mrs. Harris alleged that Westgate was negligent for allowing a hazardous condition to exist, for failing to remedy the condition by repairing the downed netting, for failing to make timely inspections of the area where the netting was located, and for failing to warn Mrs. Harris of a hazardous condition.

NATURE OF INJURY:

As a result of the incident, Mrs. Harris sustained a trimalleolar fracture. She incurred over \$80,000 in medical bills.

PLAINTIFF'S EXPERT WITNESSES:

Brian K. Vickaryous, MD
Florida Hospital
Orlando, Florida
Orthopaedic

Dr. Vickaryous testified via video deposition. He opined that Mrs. Harris required an ankle fixation after the incident and that she may have arthritic changes in the future.

DEFENDANT'S EXPERT WITNESSES:

Anthony Johnson
Tampa, Florida
Forensic Meteorologist

At trial, Anthony Johnson testified that there were storms in the area before Mrs. Harris' fall. These storms included wind gusts up to 31 MPH and nearby hail. The storms ended approximately 30 minutes before the fall.

CHECK APPROPRIATE SPACE:

X Defense Verdict

DATE OF VERDICT:

June 23, 2015

VERDICT:

For Defendant

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

For Defendant, Westgate Vacation Villas Owners Association, Inc.

DATE OF JUDGMENT:

July 13, 2015

DEFENDANT'S OFFER:

Defendant filed a Proposal for Settlement in the amount of \$2,500 on January 8, 2014.

PLAINTIFF'S DEMAND:

Plaintiff filed a Proposal for Settlement in the amount of \$175,000 on April 4, 2015.

ATTORNEY'S COMMENTS:

At trial, Mrs. Harris requested reimbursement of her medical bills in excess of \$80,000 as well as \$360,000 for pain and suffering. After 1 hour, 45 minutes of deliberation, the jury returned a defense verdict in favor of Westgate.

The court entered Final Judgment in favor of Defendant and against Plaintiff on July 13, 2015. Defendant has filed a motion to enforce its Proposal for Settlement.

Date: June 23, 2015

Submitted By: Meredith M. Stephens

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Donahue & McLain, P.A.

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