

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

Seminole County, Circuit Civil

**NAME OF CASE:**

ALYSA ALI,

Plaintiff,

v.

GREGORY J. TIMMONS AND MITCHELL  
TIMMONS,

Defendants.

**CASE DOCKET NO.:** 2011-CA-740-08-G      **JUDGE:** Michael Rudisill

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

Louis A. DeFreitas Jr.  
Vincent M. D'Assaro  
Morgan & Morgan  
20 N. Orange Ave, Suite 1600  
Orlando, FL 32801

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

Vance R. Dawson  
Jeremy T. Palma  
Rissman, Barrett, Hurt,  
Donahue, McLain & Mangan, P.A.  
201 E. Pine Street, 15th Floor  
Orlando, FL 32801

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

35-year old female/Unemployed

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

N/A

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

August 21, 2009 at approximately 9:00 p.m. on Tuskawilla Road near its intersection with Red Bug Road in Winter Springs, Seminole County, Florida.

**CAUSE OF INJURY:**

The accident involved multiple vehicles. Ms. Ali was traveling south in the left lane on Tuskawilla Road. Ms. Ali was driving a Honda Civic. Ms. Ali brought her vehicle to a complete stop in the left lane behind a disabled vehicle. Ms. Ali claimed that she was rear-ended by a Dodge Ram pickup truck driven by Gregory Timmons. Mitchell Timmons, Gregory's father, owned the Dodge Ram pickup truck. Ms. Ali claimed that Mr. Timmons fled from the scene after the accident. Ms. Ali chased the Timmons vehicle, obtained the license plate number and called 911.

Mr. Timmons claimed that he was not involved in the accident. Mr. Timmons conceded that he was in the area at the time of the accident. Mr. Timmons claimed that a green Ford Expedition was traveling directly in front of him in the left lane on Tuskawilla Road. Mr. Timmons said that the green Ford Expedition stopped suddenly. Mr. Timmons brought his vehicle to a complete stop behind the green Ford Expedition. Mr. Timmons then observed the green Ford Expedition merge into the middle lane of Tuskawilla Road and pass Ms. Ali's vehicle and the disabled vehicle. The driver of the green Ford Expedition was never identified.

**NATURE OF INJURY:**

Plaintiff sustained a herniation at L4-5 and a disc bulge at L5-S1. The first surgery was performed in January 2011 by Dr. Grady McBride. Plaintiff had complications following the surgery. Dr. Robert Masson removed the hardware in January 2012. Plaintiff underwent a second fusion in August 2013

performed by Dr. Alexander Hughes at the Hospital for Special Surgery in New York.

**PLAINTIFF'S EXPERT WITNESSES:**

Ronald Landau, M.D.  
Radiologist  
Mid-Florida Imaging  
1150 S. Semoran Blvd.  
Orlando, FL 32807

Plaintiff presented the testimony of her reading radiologist, Ronald Landau, M.D. Dr. Landau testified that the herniation at L4-5 was causally related to the August 21, 2009 accident. Dr. Landau did not relate the disc bulge at L5-S1 to the August 21, 2009 accident.

Grady McBride, M.D.  
Orthopaedic Surgeon  
Orlando Orthopaedic Center  
25 W. Crystal Lake, Suite 200  
Orlando, FL 32806

Plaintiff presented the testimony of her treating surgeon, Grady McBride, M.D. Dr. McBride testified that the herniation at L4-5 was causally related to the August 21, 2009 accident. Dr. McBride testified that the surgery he performed on January 17, 2011 was causally related to the August 21, 2009 accident.

**DEFENDANTS' EXPERT WITNESSES:**

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

The defense presented the testimony of Dr. Foley, a triple board-certified radiologist, as a witness at trial. Dr. Foley testified that plaintiff did not sustain a herniated disc at L4-5 that was causally related to the accident. Dr. Foley testified that plaintiff had pre-existing degenerative changes at L4-5 which predated the August 21, 2009 accident.

Neil G. Powell, M.D.  
Neurosurgeon  
White-Wilson Medical Center, P.A.  
Fort Walton Beach, FL 32548

The defense presented the testimony of Dr. Gary Powell, a board-certified neurosurgeon, as a witness at trial. Dr. Powell testified that plaintiff did not sustain a herniated disc at L4-5 that was causally related to the accident. Dr. Powell testified that plaintiff had pre-existing degenerative changes at L4-5 which predated the August 21, 2009 accident. Dr. Powell testified that plaintiff's spinal surgeries were causally related to the natural progression of pre-existing degenerative changes and not from any trauma related to the accident.

**CHECK APPROPRIATE SPACE:**      √   Defense Verdict

**DATE OF VERDICT:**

April 29, 2016

**VERDICT:**

For Defendants, Gregory and Mitchell Timmons

**COMPARATIVE NEGLIGENCE:**

N/A

**JUDGMENT:**

Not yet entered

**DATE OF JUDGMENT:**

N/A

**DEFENDANTS' OFFER:**

On March 5, 2016, a proposal for settlement was sent to plaintiff in the amount of \$24,001.

**PLAINTIFF'S DEMAND:**

In closing, plaintiff's attorney requested \$658,794 in past medical expenses and past wage loss. Plaintiff did not request a specific amount for past and future pain and suffering.

**ATTORNEY'S COMMENTS:**

The jury deliberated 1 hour, 7 minutes before returning a defense verdict.

**Submitted by:** Vance R. Dawson  
Jeremy T. Palma

**Date:** August 9, 2016

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

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VRD/JTP/ccp