

**CASE INFORMATION SHEET
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COUNTY AND COURT:

Pasco County Circuit Court

NAME OF CASE:

Elyse Centonze and Philip Centonze v. Jennifer Cook, M.D., Jennifer Lynne Cook, M.D., P.A. and Florida Joint Care Institute, LLP

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

Eric P. Czelusta
Shaun Cummings
Florin Roebig, P.A.
777 Alderman Road
Palm Harbor, Florida 34683

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

Richard B. Mangan Jr.
Bryan R. Snyder
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
1 North Dale Mabry Highway, 11th Floor
Tampa, Florida 33609

AGE/SEX OF PLAINTIFF:

52 years old at time of trial/female

CAUSE OF INJURY/DAMAGES:

On September 23, 2012, plaintiff fell off a ladder and suffered a significant elbow fracture, specifically a comminuted fracture of the right radial head and neck with 8 mm of displacement. Plaintiff presented to Dr. Cook, an orthopedic surgeon, on September 24, 2012 and underwent an open reduction internal fixation (“ORIF”) of the radial head fracture on September 25, 2012.

Plaintiff alleged that Dr. Cook negligently performed the ORIF procedure causing a permanent injury to plaintiff’s posterior interosseus nerve which left plaintiff completely unable to move her fingers and wrist. Specifically, plaintiff contended that the posterior

interosseus nerve was stretched to the point of failure, with it ripping apart as a result of “overly aggressive” retraction during the surgery.

The defense conceded that plaintiff’s posterior interosseus nerve was injured during the ORIF procedure and further conceded that the most likely cause of the nerve injury was due to the retractors, but argued that nerve injury is a known complication of the procedure. The defense argued plaintiff had been fully informed of the potential risks and complications pre-operatively. The defense further argued that Dr. Cook took reasonable precautions to minimize the risk of nerve injury.

Plaintiff argued that a stretch injury to a nerve, such as a neurapraxia, is a known complication of the procedure, but that the extent of the injury to plaintiff’s nerve went far beyond what would be expected as a known complication of the surgery because the nerve was stretched to the point of being “torn in two,” snapping like a fishing line.

Plaintiff presented expert testimony that this nerve injury necessitated a second surgery in February 2013 performed by a different surgeon, who attempted to repair the posterior interosseus nerve that had been “torn in two.” The surgeon used a nerve graft to repair the portion of the nerve that was no longer functioning.

Plaintiff testified that, although she had improved with respect to her ability to extend her fingers and wrist post nerve repair, she continued to experience significant residual effects of the nerve injury. This was particularly damaging to plaintiff because she is a speech pathologist in a Pasco County School, and the nerve injury made it impossible for her to use necessary sign language when working with verbally challenged children.

The defense argued that the second surgery in February 2013 greatly improved plaintiff’s nerve function and that she had experienced a return to reasonable function one and half years after the repair surgery.

NATURE OF INJURY/DAMAGES:

In closing argument, plaintiff asked for \$4,000 in past lost wages, \$29,430.78 in past medical expenses, \$200,000 in past pain and suffering and \$300,000 in future pain and suffering, for a total of \$533,430.78. Also in closing argument, plaintiff’s husband asked for \$50,000 for his loss of consortium claim.

PLAINTIFFS’ EXPERT WITNESSES:

Dr. Brian Fingado
Holy Cross Orthopedic Institute
Ft. Lauderdale, Florida

DEFENDANTS' EXPERT WITNESSES:

Dr. Brett Bolhofner
All Florida Orthopedic Associates
St. Petersburg, Florida

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT: Thursday, February 18, 2016

VERDICT: Defense Verdict

JUDGMENT: Judgment pending

DATE OF JUDGMENT: Pending

DEFENDANTS' OFFER: None

PLAINTIFFS' LAST DEMAND: \$250,000

ATTORNEY COMMENTS:

The jury deliberated for approximately 55 minutes before returning a defense verdict.

Submitted By: Bryan R. Snyder, Esq.

Date: March 3, 2016

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

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