

CASE INFORMATION SHEET  
FLORIDA LEGAL PERIODICALS, INC.  
P.O. Box 3370, Tallahassee, FL 32315-3730  
(904) 224-6649/(800) 446-2998 \* FAX (850) 222-6266

**COUNTY AND COURT:**

Circuit Court in and for Orange County, Florida

**NAME OF CASE:**

JOHN J. MARCANTONIO,

Plaintiff

v.

CRAIG E. BLUHM,

Defendant

**CASE DOCKET NO.:** 2012-CA-012428-0

**JUDGE:** Keith F. White

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

Matthew E. Haynes  
Lytal, Reiter, Smith, Ivey & Fronrath, LLP  
515 N. Flagler Drive  
10th Floor  
West Palm Beach, FL 33401-4350

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

Vance R. Dawson  
Juan A. Ruiz  
Rissman Barrett Hurt  
Donahue McLain & Mangan, P.A.  
201 E. Pine Street  
15th Floor  
Post Office Box 4940  
Orlando, FL 32802

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

52 year old white male, refrigerator technician

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

N/A

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

October 26, 2009, 4:38 p.m. in Winter Park, Orange County, Florida at the intersection of Aloma Avenue, 200 feet west of Hall Road.

**CAUSE OF INJURY:**

Automobile accident(rear-ended by defendant)

**NATURE OF INJURY:**

Cervical disc herniation requiring C4-5, C5-6 and C6-7 anterior cervical discectomy and intervertebral arthrodesis.

**PLAINTIFF'S EXPERT WITNESSES:**

- 1.) Ara Deukmedjian M.D. - Neurosurgeon  
Deuk Spine Institute  
8043 Spyglass Hill Road  
Melbourne, FL 32940

Plaintiff played the videotaped deposition for use at trial of Dr. Ara Deukmedjian. Dr. Deukmedjian opined that Mr. Marcantonio suffered as many as eight herniated discs in his cervical and lumbar spine. He was unable to demonstrate with any level of specificity which of the eight herniations were causally related or exacerbated by the automobile accident. Dr. Deukmedjian conceded there was some level of degenerative change present in Mr. Marcantonio's cervical and lumbar spine. Dr. Deukmedjian did not perform surgery on Mr. Marcantonio.

- 2.) Robert L. Masson, M.D. - Neurosurgeon  
Neuro Spine Institute  
2706 Rew Circle  
Suite 100  
Ocoee, FL 34761

Plaintiff played the videotaped deposition for use at trial of Dr. Robert Masson. Dr. Masson opined that the May 3, 2012 surgery he performed on Mr. Marcantonio's spine was causally related to the automobile accident of October 26, 2009. Dr.

Masson stressed the lack of pre-existing neck complaints as the basis for his causation opinion.

**DEFENDANT'S EXPERT WITNESSES:**

- 1.) Steven Weber, M.D. - Orthopedic Spine Surgeon  
Orlando Orthopaedic  
25 W. Crystal Lake St.  
Suite 200  
Orlando, FL 32806

The defense played the videotaped deposition for use at trial of Dr. Steven Weber. Dr. Weber testified that he did not think that Mr. Marcantonio had any injury to his cervical lumbar spine which was causally related to the subject automobile accident. Dr. Weber did not believe that Mr. Marcantonio suffered a permanent injury to his lumbar or cervical spine as a result of the automobile accident. Dr. Weber also did not think that the surgery ultimately performed on Mr. Marcantonio's neck by Dr. Masson was causally related to the accident.

Dr. Weber commented on the notes of Dr. Newsome and Dr. Sneddon, the workers' compensation physicians who treated Mr. Marcantonio immediately following this accident. Those physicians had an XRTS functional capacity test performed on Mr. Marcantonio which demonstrated that Mr. Marcantonio was not delivering full effort and suggested that his complaints of pain did not correlate with the findings and that he was making up his symptoms. Based upon the results of this test, both Dr. Newsome and Dr. Sneddon determined that Mr. Marcantonio was at maximum medical improvement and released him from treatment with a 0% impairment rating.

- 2.) Eric A. Pfeiffer, M.D. - Neuroradiologist  
Diagnostic Imaging Services  
104 Henry Sewall Way  
Stuart, FL 34996

Dr. Pfeiffer reviewed the pertinent imaging studies of Mr. Marcantonio and opined that the findings present on the post-accident MRIs of the cervical spine demonstrated chronic and degenerative findings which pre-existed the accident. Dr. Pfeiffer further opined that Mr. Marcantonio did not suffer any acute injury to either his cervical or lumbar spine or any aggravation or exacerbation of his cervical or lumbar spine.

**CHECK APPROPRIATE SPACE:**    X Verdict

**DATE OF VERDICT:**

May 6, 2016

**VERDICT:**

\$10,978.18

The jury found that plaintiff had not sustained a permanent injury.

**COMPARATIVE NEGLIGENCE:**

N/A

**JUDGMENT:**

Not yet entered.

**DATE OF JUDGMENT:**

Not yet entered.

**DEFENDANT'S OFFER:**

\$25,000 proposal for settlement

**PLAINTIFF'S DEMAND:**

\$100,000 proposal for settlement

At trial, plaintiff requested \$174,000 in past medical expenses, \$270,000 in future medical expenses, \$446,000 in past lost wages and \$450,000 in loss of earning capacity for a total of \$1,340,000. There was no specific demand for intangible damages.

**ATTORNEY'S COMMENTS:**

The total verdict award was \$10,978.18. With collateral source offsets, the "net" verdict is \$7,684.49. This amount reflects the amounts paid by workers' compensation and PIP. The defense will be entitled to attorney's fees and taxable costs.

Submitted By: Juan A. Ruiz

Date: August 31, 2016

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

Address: 201 E. Pine Street  
Suite 1500  
P.O. Box 4940  
Orlando, FL 32802-4940

Telephone: (407) 839-0120

Fax: (407) 841-9726

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