

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

Lake County, Circuit Court

**NAME OF CASE:**

CARIE J. McCORMACK,

Plaintiff,

v.

PERKINS & MARIE CALLENDER'S, LLC,

Defendant.

**CASE DOCKET NO.:** 2014-CA-1700                      **JUDGE:** Mark J. Hill

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

Paul M. Thompson  
Thompson, Evangelo & Kelly, P.A.  
1485 International Parkway, Suite 1051  
Lake Mary, Florida 32746

Ronald H. Watson  
Merritt and Watson, P.A.  
1500 East Orange Avenue  
Eustis, Florida 32726

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

John P. Daly  
Sean M. Crocker  
Rissman, Barrett, Hurt,  
Donahue, McLain & Mangan, P.A.  
201 East Pine Street  
Suite 1500  
Orlando, Florida 32801

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

At the time of the subject accident, plaintiff was a 46-year-old unemployed female.

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

N/A

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

Plaintiff was allegedly injured as a result of a slip-and-fall incident which occurred on July 16, 2011 at approximately 3:00 p.m. at a Perkins restaurant located at 17080 US 441 in Mt. Dora, Florida.

**CAUSE OF INJURY:**

Plaintiff was allegedly injured as a result of a slip and fall at a Perkins restaurant in Mt. Dora, Florida. Plaintiff alleged that Perkins had been negligent in the manner in which its employees mopped the foyer area in the restaurant by leaving the area wet during a baby shower plaintiff was attending. Plaintiff took the position that Perkins should have waited until the baby shower had concluded before mopping or should have placed a mat near the front door where plaintiff slipped. Plaintiff also maintained that Perkins had failed to appropriately place wet floor signs in the area of the fall.

**NATURE OF INJURY:**

Plaintiff alleged that as a result of the incident, she suffered injuries to both of her knees which required extensive treatment including two surgeries. Perkins argued that plaintiff's knee injuries, which included meniscal and ACL tears, preexisted the subject accident and were related to a 2009 incident in which plaintiff had tripped at home as well as to longstanding wear-and-tear type changes.

Plaintiff's treating orthopedic surgeon, Barry Schapiro, M.D., testified that arthroscopic surgeries revealed multiple pathologies, including chondral defects in both knees which were not visible on the MRI studies. According to Dr. Schapiro, the chondral defects were acute in nature and causally related to the subject accident at Perkins.

Plaintiff's past medical damages exceeded \$180,000. Plaintiff presented evidence that as a result of the incident, plaintiff would eventually require a total knee replacement surgery at a cost of approximately \$100,000.

**PLAINTIFF'S EXPERT WITNESSES:**

Dr. Barry Schapiro, Orthopedic Surgeon  
Advanced Orthopedics  
Fort Pierce, Florida

Dr. Schapiro was plaintiff's treating orthopedic surgeon. He testified that plaintiff's knees were injured as a result of the subject slip and fall. He also performed surgery on plaintiff's left and right knee and opined plaintiff would need treatment in the future including a total knee replacement.

**DEFENDANT'S EXPERT WITNESSES:**

Dr. Eric Bonenberger, Orthopedic Surgeon  
Orlando Orthopedics  
Orlando, Florida

Dr. Bonenberger was defendant's compulsory medical examiner. He concluded that plaintiff's medical conditions were pre-existing and that the surgeries performed by Dr. Schapiro were not causally related to the slip and fall at Perkins.

Dr. F. Reed Murtagh, Radiologist  
University Diagnostic Institute  
Tampa, Florida

Dr. Murtagh read pre-accident and post-accident MRIs of plaintiff's knees and concluded that there was no objective evidence of new injuries.

**CHECK APPROPRIATE SPACE:**      X   Verdict

**DATE OF VERDICT:**

November 16, 2016

**VERDICT:**

For defendant.

