

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:

Orange County Circuit Court

NAME OF CASE:

THOMAS TRUONG,

Plaintiff,

v.

WASTE SERVICES OF FLORIDA, INC. and WILLIAM BOCKER,

Defendants.

CASE DOCKET NO.: 2013-CA-003536-0 **JUDGE:** Keith F. White

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

Daniel E. Smith, II
Wade B. Coye
The Coye Law Firm, PA
730 Vassar Street
Orlando, FL 32804

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

Richard S. Womble
Juan A. Ruiz
Rissman, Barrett, Hurt,
Donahue, McLain and Mangan, P.A.
201 East Pine Street
Suite 1500
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

Mr. Truong was a 38-year old male on the date of the incident. He was employed as a mail sorter.

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

Not applicable.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

May 11, 2012 at 10:34 a.m. at the intersection of Silver Star Road and John Young Parkway in Orlando, Florida.

CAUSE OF INJURY:

Plaintiff alleged that William Bocker, a driver for Waste Services, was negligent in the operation of the roll-off Mack truck he was operating. Plaintiff alleged that Mr. Bocker failed to observe Mr. Truong, who was riding a bicycle on Silver Star Road near the intersection, and failed to avoid running over Mr. Truong.

Mr. Bocker was operating the Waste Services truck in the right-hand lane of eastbound Silver Star Road. The truck was stopped behind two other vehicles as the light for eastbound Silver Star Road was red.

At the same time, Mr. Truong was riding his bicycle, eastbound, on the six-foot wide shoulder beside the travel lane where the truck was located. The light turned green and as the truck began to move forward with its right turn signal operating, Mr. Truong rode alongside the truck. The shoulder stopped approximately 20 feet before the intersection ending in an 18-inch wide gutter.

Mr. Truong did not yield to the turning vehicle, did not observe the flashing turn signals and instead tried to ride straight across the intersection in the 18-inch wide gutter beside a very large truck which was turning right.

NATURE OF INJURY:

Comminuted distal tibial and fibular fractures with severe displacement and projection from the skin of the left leg.

Fracture of the left lateral proximal tibia.
Angulated mid-shaft left femur fracture.
Left femoral neck fracture.
Non-displaced left fibular fracture.
Lateral left tibial plateau fracture.
Comminuted fractures of the left tibia and fibula at the ankle level.
Fracture of the right medial femoral condyle.
Fracture of right leg tibia and plateau.
Multiple right leg ligament tears.
Medial malleolus fracture.
Five fractures of fingers of the right hand.
Post-traumatic stress syndrome.
Chronic osteomyelitis.
Twenty surgeries involving over 150 days in the hospital.
Possible future amputation of left leg.

PLAINTIFF'S EXPERT WITNESSES:

David Stopper, P.E.
2600 E. Southlake Boulevard
Suite 120-363
Southlake, TX 76091

Professional Engineer/
Industry Standards

Mr. Stopper testified that William Bocker did not comply with industry standards for monitoring vehicles and bicycles around the truck and in not avoiding the collision.

Jeffrey D. Armstrong, P.E.
17844 North U.S. Highway 41
Lutz, FL 22549

Accident Reconstruction

DATE OF VERDICT:

August 10, 2016

COMPARATIVE NEGLIGENCE:

None.

JUDGMENT:

Pending.

DATE OF JUDGMENT:

Pending.

DEFENDANT'S OFFER:

A proposal for settlement in the amount of \$1,000 was served in 2014.

PLAINTIFF'S DEMAND:

\$4,000,000 prior to trial. Plaintiff's counsel requested a jury award at trial in the amount of \$15,000,000.

ATTORNEY'S COMMENTS:

The jury returned a defense verdict in 90 minutes after eight days of trial.

At trial, plaintiff introduced evidence of \$1,323,243 for past medical expenses, \$73,000 for past lost wages, a claim of \$444,000 for future loss of earning capacity and \$3,200,000 for future medical expenses.

Plaintiff argued he was entitled to an adverse inference jury instruction based on his claim that Waste Services destroyed a DriveCam video (a camera inside the cab of the truck records images for an accident if it is a triggered event or if saved manually).

The trial court was satisfied that there was no triggered event as there was not enough force to engage the DriveCam. There was a manual save of images two hours after the accident but those images would only have consisted of the eight seconds before the

manual button was pushed. Judge White denied plaintiff's request for an adverse inference jury instruction.

Submitted By: Richard S. Womble **Date:** August 15, 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

RSW/gml