

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

Orange County, Circuit Civil

NAME OF CASE:

JEANNETTE WILLIAMS,

Plaintiff,

v.

ORLANDO HEALTH, INC. d/b/a DR. P. PHILLIPS HOSPITAL,

Defendant.

CASE DOCKET NO.: 2015-CA-2948-0 **JUDGE:** Janet C. Thorpe

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

William E. Ruffier
William J. Tonelli III
Dellecker Wilson King McKenna Ruffier & Sos
719 Vassar Street
Orlando, FL 32804

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

Juan A. Ruiz
Jeremy T. Palma
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
201 E. Pine Street
15th Floor
Post Office Box 4940
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

64 year old female/retired

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

August 6, 2013 at 8:37 a.m. Ms. Williams claims to have slipped on water on the floor of the bathroom.

CAUSE OF INJURY:

Slip and fall in restroom.

NATURE OF INJURY:

Herniated discs at C5-6, C6-7, L4-5 and L5-S1 as well as a torn rotator cuff of the right shoulder. Ms. Williams underwent 2 lumbar surgeries and 3 shoulder surgeries.

PLAINTIFF'S EXPERT WITNESSES:

1. Ronald Joseph, M.D. - Orthopaedic Surgeon
Sea Spine Orthopaedic Institute, P.A.
6001 Vineland Road
Suite 116
Orlando, FL 32809

Dr. Joseph diagnosed Ms. Williams as having a right rotator cuff tear based upon her clinical exam and the results of an August 30, 2013 MRI.

Dr. Joseph opined that the need for all 3 surgeries was causally related to the incident of August 6, 2013. He did not have any specific opinion with respect to future medical needs and did not address any potential for neck surgery.

On cross examination, Dr. Joseph agreed that Ms. Williams was non-compliant regarding her use of a shoulder immobilizer following the first surgery. According to Dr. Joseph, Ms. Williams was not using the immobilizer correctly and as a result she may have caused additional harm to her right shoulder which may have led to the need for additional surgeries.

2. A. Joshua Appel, M.D. - Orthopaedic Surgeon
Sea Spine Orthopaedic Institute, P.A.
3107 W. Hollandale Beach Boulevard, Suite 1
Pembroke Park, FL 33009

Dr. Appel opined that the surgeries he performed on Ms. Williams were causally related to the August 6, 2013 incident. Dr. Appel also opined that there was a possibility that Ms. Williams would require re-operation as a result of adjacent segment disease. He stated that there is a 3% chance per year that this will occur.

3. Ronald Snyder, M.D. - Physiatry
MD Diagnostic Specialists
668 N. Orlando Avenue
Suite 1010
Maitland, FL 32751

Dr. Snyder recommended future medical care in the amount of \$41,000 - \$44,520 to treat ongoing shoulder and spine problems as a result of the incident.

Dr. Snyder also recommended future medical care in the amount of \$19,750 per year for the care of Ms. Williams' neurogenic bladder. In addition to this amount, Dr. Snyder believes that Ms. Williams will be hospitalized at least 3 times, for 5 days each admission, to treat urinary tract infections. The cost of the hospitalizations is expected to be \$66,750.

DEFENDANT'S EXPERT WITNESSES:

1. John H. Shim, M.D. - Orthopaedic Surgeon
Florida Sports Orthopaedic & Spine Medicine
12780 Racetrack Rd.
Suite 200
Tampa, FL 33626

Dr. Shim was able to provide testimony regarding Ms. Williams' potential non-compliance as it relates to aggravating her shoulder injury.

Dr. Shim opined that Ms. Williams may have suffered a sprain/strain to her cervical spine which would, in his opinion, resolve itself in, at most, 3 months. Dr. Shim did not think that any epidural steroid injections to the cervical spine would be causally related to this incident.

Dr. Shim reviewed the post-accident lumbar MRI and noted that many, if not all, of the changes present were degenerative in nature. He did not appreciate the presence of any acute injuries on that study.

Dr. Shim did not believe that the surgeries performed by Dr. Appel on Ms. Williams' low back were causally related to the incident. They certainly could have been attributable to pre-existing degenerative changes.

Dr. Shim had to concede as to the right shoulder. He agreed that there did appear to be evidence of a tear of the rotator cuff which was temporarily related to the incident described in the complaint. We did inquire with Dr. Shim as to whether Ms. Williams' failure to properly wear her shoulder immobilizer immediately postoperatively could have caused an aggravation or re-injuring of the right shoulder.

Dr. Shim agreed and, in fact, pointed out that if a patient does not have the shoulder properly immobilized, as Ms. Williams apparently did not, that could lead to a tearing out of the sutures from the first surgery which is what exactly happened.

As it relates to the left shoulder, Dr. Shim pointed out that Ms. Williams had been treated in March 2012 at Florida Hospital for a presumed left shoulder injury. He believed that the findings on the June 29, 2015 left shoulder MRI could certainly be related to pre-existing conditions. Moreover, there was no concurrent complaint of left shoulder pain in the emergency department at Dr. Phillips Hospital.

2. David L. Gushue, Ph.D. - Biomechanics
ARCCA, Inc.
2288 Second Street Pike
Penns Park, PA 18943

Dr. Gushue opined that Ms. Williams could not have fallen the way she described. Her description of the fall was not supported by principles of biomechanics.

3. Charles H. Bush, M.D. - Radiologist
Clinical Associate Professor
Department of Radiology
UF Orthopaedics and Sports Medicine Institute
3450 Hull Road
Gainesville, FL 32607

Dr. Bush was not able to identify any acute injury to Ms. Williams' right shoulder. He felt that the scanner itself and the study were of poor quality but, nonetheless, did not believe there was any acute finding.

With regard to the MRIs of the cervical and lumbar spine, Dr. Bush was adamant that every finding at the various levels identified pre-existed this incident. Dr. Bush was able to identify disc osteophyte complexes and other hallmarks of degeneration which, in his opinion, predate this incident by a number of years.

The "best" study that he reviewed was the 2007 cervical MRI which, even then, demonstrated degenerative changes with respect to the areas in which Ms. Williams claimed to have suffered disc herniations as a result of the subject accident.

Dr. Bush was equally unimpressed with the lumbar studies. The lumbar study of August 2014 was a poor quality MRI interpreted by Dr. Mahan. Dr. Bush believed that the findings present on that study demonstrated long-standing disease which predated the slip and fall by at least a number of years. He could not find anything on that study which he would causally relate to the accident in question.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

September 30, 2016

VERDICT:

Defense Verdict

COMPARATIVE NEGLIGENCE:

N/A

JUDGMENT:

Yes

DATE OF JUDGMENT:

October 20, 2016

DEFENDANT'S OFFER:

\$65,000

PLAINTIFF'S DEMAND:

\$1.6 million in closing

ATTORNEY'S COMMENTS:

Plaintiff did not file a motion for new trial. The court has reserved ruling to award Orlando Health, Inc. its costs.

Submitted By: Juan A. Ruiz Date: November 17, 2016

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 Donahue, McLain & Mangan, P.A.

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