

CASE INFORMATION SHEET
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COUNTY AND COURT:

Orange County Circuit Court, 9th Judicial Circuit, Florida

NAME OF CASE:

LONNY A. MEAD,

Plaintiff,

v.

PETER G. LATHAM,

Defendant

CASE DOCKET NO.: 2015-CA-001526-0 **JUDGE:** Heather L. Higbee

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

Nick Panagakis
Alexander Clem
Larry Gonzalez
Morgan & Morgan, P.A.
20 N. Orange Avenue
Suite 1600
Orlando, FL 32801

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

Juan Ruiz
Aaron Eagan
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
201 East Pine Street
Suite 1500
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF:

At the time of the subject automobile accident, Plaintiff, Lonny Mead, was a 47-year-old male employed as the owner of a litigation support services company.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Plaintiff was allegedly injured as a result of a rear-end automobile collision which occurred on March 17, 2011 on Mills Avenue in Winter Park, Florida.

CAUSE OF INJURY:

The evidence demonstrated that the rear-end collision caused by Defendant pushed Plaintiff's vehicle into another stopped car, causing Mr. Mead's vehicle to sustain rear and frontal damage. Plaintiff contended that the accident caused him to sustain a permanent injury to his neck and a permanent nerve injury to his left arm. Defendant admitted negligence in causing the accident but contested plaintiff's injury claims and permanency.

NATURE OF INJURY:

Plaintiff alleged that as a result of the March 17, 2011 accident, he sustained multiple acute disc herniations in his cervical spine and a separate nerve injury to his left arm causing ulnar nerve entrapment.

Plaintiff did seek emergent treatment after the accident. Following the accident, he began treating with a chiropractor and then at the Jewett Orthopedic Clinic initially for neck pain and later for neck pain and pain, numbness and tingling radiating into his left arm and hand.

Plaintiff treated conservatively for several years until 2015 when he came under the care of Dr. Robert Masson, a neurosurgeon, for evaluation of his ongoing neck and left arm pain. Dr. Masson diagnosed cervical disc injuries but suspected that Plaintiff had sustained a separate nerve injury in his left arm and referred Mr. Mead to Dr. George White, an arm and hand surgeon. Dr. White diagnosed a left arm ulnar nerve entrapment and performed a decompression surgery on Plaintiff's left arm on May 24, 2016.

Following Dr. White's left arm surgery, Mr. Mead returned to Dr. Masson. Dr. Masson performed surgery on August 29, 2016 that consisted of a microdiscectomy at C7-T1 to address a left foraminal disc herniation. Following Dr. Masson's surgery, Mr. Mead developed a cerebrospinal fluid leak at the surgical site which required a September 27, 2016 corrective repair surgery.

Plaintiff alleged that he continued to experience residual post-surgical neck and left arm pain. Plaintiff introduced medical bills at trial in the amount of \$237,178.

PLAINTIFF'S EXPERT WITNESSES:

Dr. George White
Orthopedic surgeon
Orlando Hand Surgery
Orlando, Florida

Dr. White was Plaintiff's treating arm surgeon and testified at trial that the March 17, 2011 accident caused Mr. Mead to sustain an acute ulnar nerve entrapment injury. Dr. White opined that this was confirmed by objective EMG nerve testing showing problems with the ulnar nerve. Dr. White related his 2016 surgery and all associated medical bills to the March 17, 2011 subject accident.

Dr. Robert Masson
Neurosurgeon
Neurospine Institute
Ocoee, Florida

Dr. Masson performed Plaintiff's 2016 neck surgery and the revision surgery to repair Mr. Mead's subsequent cerebrospinal fluid leak. Dr. Masson testified at trial that Mr. Mead had sustained an acute cervical disc herniation at the C7-T1 level. Dr. Masson related both cervical surgeries and related bills to the March 17, 2011 accident and testified that Mr. Mead would need follow up spinal treatment in the future.

Dr. Sean Mahan
Radiologist
Simonmed
Orlando, Florida

Dr. Sean Mahan first became involved in Plaintiff's care as a reading radiologist in 2015 and later performed a read of Mr. Mead's post-accident radiology studies. Dr. Mahan testified at

trial that he initially missed the C7-T1 herniation that was the focus of Dr. Masson's 2016 surgery because it was a subtle finding. Dr. Mahan testified that the herniation was present in Mr. Mead's post-accident radiology films. Dr. Mahan opined that the March 27, 2011 accident caused Mr. Mead to sustain acute, permanent injuries.

DEFENDANT'S EXPERT WITNESSES:

Dr. David Rosenbach
Radiologist
David R. Rosenbach, MD, PA
Tampa, Florida

The defense retained Dr. David Rosenbach to review plaintiff's radiology studies and medical records. Dr. Rosenbach testified at trial that the C7-T1 left foraminal herniation that was addressed in Dr. Masson's 2016 surgery was not present in the radiology studies obtained in 2011 immediately after the accident.

Dr. Paul Maluso
Orthopedic Surgeon
West Orange Orthopedics
Orlando, Florida

The defense retained Dr. Paul Maluso to perform a compulsory medical examination of Mr. Mead. Dr. Maluso examined Mr. Mead in 2015 prior to Mr. Mead's surgeries with Drs. White and Masson. Dr. Maluso also reviewed Mr. Mead's radiology studies and medical records.

Dr. Maluso testified at trial that based upon his examination of Plaintiff and his review of radiology images and medical records, Mr. Mead had not sustained any permanent injury to either his left arm or cervical spine as a result of the March 17, 2011 accident.

Dr. Maluso opined at trial that based upon his subjective complaints of pain following the 2011 accident, Mr. Mead likely sustained a temporary soft tissue strain. Dr. Maluso opined that 8 to 10 weeks of post-accident diagnostic and palliative treatment would have been reasonable and related to the accident.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

January 29, 2018

VERDICT AMOUNT:

The jury returned a verdict awarding Mr. Mead \$15,600 in past medical bills only. The jury found that Mr. Mead did not sustain a permanent injury as a result of the March 17, 2011 accident and awarded no damages for pain and suffering, and future medical costs.

COMPARATIVE NEGLIGENCE:

None.

DEFENDANT'S OFFER:

Defendant served a proposal for settlement in the amount of \$35,000 prior to trial.

PLAINTIFF'S DEMAND:

Plaintiff served a proposal for settlement in the amount of \$50,000 prior to trial. In closing, Plaintiff demanded \$2,703,698.31.

ATTORNEY'S COMMENTS:

At trial, the defense contended that Mr. Mead's post-accident medical records were negative for evidence of permanent neck and left arm symptoms. The defense also argued that Mr. Mead's neck and left arm conditions for which he underwent surgery were more than likely related to Mr. Mead's years of participation in physically intense, injury-prone activities, including surfing and kickboxing. The defense also presented surveillance footage taken of Plaintiff weeks before his initial surgery with Dr. White depicting Mr. Mead using his left arm and moving his neck without apparent limitations.

In closing, the defense suggested that the jury award Mr. Mead \$15,600, the amount of his post-accident diagnostic and palliative treatment. The jury deliberated for 2 hours, 45 minutes before returning a verdict awarding Mr. Mead \$15,600 for past medical bills only. There was no finding of permanency.

