

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, 9th Judicial Circuit, Florida

NAME OF CASE:

JN BAPTISTE RICHELIN,

Plaintiff,

v.

SYDNEY HUGHES,

Defendant

CASE DOCKET NO.: 2016-CA-007992-0 **JUDGE:** Keith Carsten

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

William E. Ruffier
Daniel E. Smith II
Dellecker, Wilson, King, McKenna, Ruffier & Sos, PA
719 Vasser St.
Orlando, FL 32804

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, Jn Baptiste Richelin, was an unemployed 61-year-old male.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

The subject rear-end automobile collision occurred on the morning of January 31, 2013 on Turkey Lake Road near Dr. Phillips High School in Orlando, Orange County, Florida.

CAUSE OF INJURY:

The subject rear-end collision damaged the rear of Plaintiff's vehicle. Plaintiff contended that the accident caused him to sustain a permanent injury to his neck. Defendant, Sydney Hughes, admitted negligence in causing the accident but contested Mr. Richelin's injury claims and permanency.

NATURE OF INJURY:

Plaintiff alleged that as a result of the January 31, 2013 accident, he sustained acute cervical disc herniations at the C5-6 and C6-7 levels.

Plaintiff began complaining of neck pain at the accident scene immediately following the collision. Plaintiff began treating with Dr. Owen Fraser of Omni Care Medical Center on February 4, 2013. Plaintiff treated conservatively for neck pain and right shoulder pain with Dr. Fraser throughout 2013 and 2014.

Plaintiff underwent a cervical MRI on June 7, 2013 that was interpreted by Dr. Ronald Landau. Dr. Landau interpreted bulging at the C3-4, C4-5, C5-6 and C6-7 disc levels and radial tears at C5-6 and C6-7.

In January 2015, Plaintiff began treating with Dr. Nizam Razack, a neurosurgeon, for his ongoing neck pain. Dr. Razack diagnosed neck pain and right sided radiculopathy. Dr. Razack recommended surgery and eventually performed an anterior cervical discectomy with fusion (ACDF) in July of 2016 at the C5-6 and C6-7 disc levels.

Plaintiff alleged that he continued to experience residual post-surgical neck pain and reduced range of motion.

PLAINTIFF'S EXPERT WITNESSES:

**Dr. Nizam Razack
Spine & Brain Neurosurgery Center
Orlando, Florida**

Dr. Nizam Razack was Plaintiff's treating spine surgeon and testified at trial that his July 2016 ACDF surgery and associated medical bills were causally related to the January 31, 2013 subject accident. Dr. Razack opined that Mr. Richelin had sustained a permanent injury but had no opinions regarding future care or future medical expenses.

DEFENDANT'S EXPERT WITNESSES:

**Dr. Marc Kaye
Radiologist
Collier Radiology Consultants
Ft. Lauderdale, Florida**

The defense retained Dr. Marc Kaye to review Plaintiff's radiology studies and medical records. Dr. Kaye testified that the C5-6 and C6-7 disc abnormalities targeted by Dr. Razack's surgery were pre-existing degenerative changes that would have predated the January 31, 2013 accident. Dr. Kaye testified that there was no radiographic evidence of Mr. Richelin having sustained an acute or permanent injury resulting from the subject accident.

**Dr. Stephen Goll
Orthopedic Surgeon
Orlando Orthopedic Center
Orlando, Florida**

The defense retained Dr. Stephen Goll to review Mr. Richelin's medical records and films. Dr. Goll did not perform an in-person CME of Plaintiff.

Dr. Goll testified that based upon his review of radiology images and medical records, Mr. Richelin had not sustained a permanent injury resulting from the January 31, 2013 subject accident. Dr. Goll did not disagree with Dr. Razack's decision to perform surgery but opined that the surgery had addressed pre-existing degenerative changes.

Dr. Goll opined that based upon his subjective complaints of pain following the 2013 accident, Mr. Richelin likely sustained a temporary soft tissue strain. Dr. Goll testified that the initial care Mr. Richelin received at Omni Care with Dr. Fraser and the initial cervical MRI were reasonable and casually related to the January 31, 2013 accident.

CHECK APPROPRIATE SPACE: X Verdict

DATE OF VERDICT:

May 3, 2018

VERDICT AMOUNT:

The jury returned a verdict awarding Mr. Richelin \$20,000 in past medical bills only. The jury found that Mr. Richelin had not sustained a permanent injury as a result of the January 31, 2013 accident and did not award any noneconomic damages.

COMPARATIVE NEGLIGENCE:

None.

DEFENDANT'S OFFER:

Defendant served a proposal for settlement in the amount of \$30,000 prior to trial. In closing, the defense suggested that the jury award Mr. Richelin \$15,200 in past medical bills for post-accident palliative and diagnostic care.

PLAINTIFF'S DEMAND:

Plaintiff served a proposal for settlement demanding \$250,000 prior to trial. In closing, Plaintiff requested that the jury award \$392,400 to \$417,400 for past medical bills, past pain and suffering and future pain and suffering.

ATTORNEY'S COMMENTS:

Trial lasted 4 days. The jury deliberated for approximately 1 hour.

