

CASE INFORMATION SHEET  
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**COUNTY AND COURT:**

Orange County Circuit Court

**NAME OF CASE:**

JOSE A. GUILLEN,

Plaintiff,

v.

MAI SO VANG and YANG XIONG,

Defendants

**CASE DOCKET NO.:** 2006-CA-5855

**JUDGE:** Heather L. Higbee

**PLAINTIFF ATTORNEY/TRIAL COUNSEL:**

Desiree Bannasch, Esq.

**DEFENDANTS' ATTORNEY/TRIAL COUNSEL:**

Juan A. Ruiz, Esq.

Aaron E. Eagan, Esq.

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

At the time of trial, Plaintiff Jose Guillen, was a 66 year old male working as the owner at a landscaping business.

At the time of accident, Plaintiff was 41 years of age and was on active duty with the United States Marine Corps as a recruiter.

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

The subject accident occurred on July 24, 2002 at the intersection of Primrose Drive and Robinson Street in Orlando, Florida, and involved Mai So Vang and Plaintiff, Jose Guillen. Yang Xiong co-owned the vehicle operated by Mai So Vang and was not involved in the accident. The defense admitted negligence prior to trial.

**CAUSE OF INJURY:**

Motor vehicle accident allegedly causing right knee and right wrist injuries that caused Plaintiff to retire early from the military and sustain a loss of military retirement benefits.

**NATURE OF INJURY:**

Plaintiff alleged right hand carpal tunnel syndrome and right knee injury that caused him to retire prematurely from the military and miss a promotion opportunity.

Plaintiff alleged economic damages in the form of a difference between Plaintiff's current military retirement benefits and the additional benefits he would have received had he remained in the military longer and attained a higher military rank (approximately \$750,000 in lifetime past and future retirement benefits). Plaintiff did not seek damages for pain and suffering or for medical bills.

**PLAINTIFF'S EXPERT WITNESSES:**

**Dr. Robert Roberts**, orthopedic surgeon: performed an IME on Plaintiff in 2012. Dr. Roberts testified that Plaintiff's right wrist carpal tunnel syndrome and right knee conditions were caused by acute trauma resulting from the July 24, 2002 subject motor vehicle accident.

**Michael McDaniel**, USMC (ret.): from Marine Corps NCO; expert in military wages and retirement benefits. Mr. McDaniels provided testimony as to the military pay scales and the amount of retirement benefits available to military personnel who retire after having attained the rank of E-9.

**DEFENDANT'S EXPERT WITNESSES:**

**Dr. Marc Kaye**, retained radiologist: Dr. Kaye testified that based upon his review of Plaintiff's medical records and radiology films, there was no objective evidence of having sustained an acute injury

in the July 24, 2002 subject motor vehicle accident and that Plaintiff's right wrist and right knee conditions were the result of chronic wear and tear.

**Dr. Joseph Uricchio**, defense orthopedic expert and compulsory medical examiner: Dr. Uricchio performed a compulsory medical examination of Plaintiff in 2007 and testified that Plaintiff's right wrist and right knee conditions were the result of chronic wear and tear and were not causally related to the 2002 subject motor vehicle accident.

**Dr. Frederick Schroeder**, Plaintiff's treating orthopedic surgeon: Dr. Schroeder testified in his 2007 deposition, which was read into evidence during trial, that the right knee arthroscopy and right wrist decompression surgeries he performed on Plaintiff in 2003 addressed chronic conditions not related to acute trauma.

**CHECK APPROPRIATE SPACE:**     **Other:** Directed Verdict in favor of the defense at the close of evidence.

**DATE OF DIRECTED VERDICT:**

December 7, 2018

**VERDICT AMOUNT:**

N/A

**COMPARATIVE NEGLIGENCE:**

None.

**JUDGMENT:**

On January 15, 2019, the trial court entered Final Judgment against Plaintiff in accordance with the December 7, 2018 Directed Verdict.

**DATE OF JUDGMENT:**

January 15, 2019

**DEFENDANT'S OFFER:**

The defense served a Proposal for Settlement on October 11, 2018 to Jose Guillen for \$30,000.

