

CASE INFORMATION SHEET
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COUNTY AND COURT:

Orange County Circuit Court, 9th Judicial Circuit, Florida

NAME OF CASE:

Lucinda A. Hill,

Plaintiff

v.

Steven Van Varick,

Defendant

CASE DOCKET NO.: 2015-CA-001897-0 **JUDGE:** Renee A. Roche

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

George "Dutch" Anderson
Todd Curtin
Dan Newlin & Partners
7335 W. Sand Lake Road
Suite 300
Orlando, FL 32819

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

Vance R. Dawson
Aaron E. Eagan
Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.
201 East Pine Street
Suite 1500
Orlando, FL 32801

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

At the time of the subject automobile accident, Plaintiff, Lucinda Hill, 48-year-old female, was working as a server at Five Guys Burgers & Fries.

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

Plaintiff was allegedly injured as a result of a frontal collision which occurred on May 31, 2014 on Highway 50 in Orlando, Orange County, Florida.

CAUSE OF INJURY:

Plaintiff, Lucinda Hill, was the passenger of an automobile on May 31, 2014, when her vehicle was involved in a frontal collision with a trailer that became detached from a vehicle operated by defendant, Steven Van Varick. Plaintiff claimed that defendant was negligent in the operation of his vehicle and that as a result of the accident she sustained a permanent injury to her cervical spine requiring surgery. Defendant admitted negligence for causing the subject accident but contested causation and the nature and extent of plaintiff's damages.

NATURE OF INJURY:

Plaintiff was transported from the accident scene by ambulance to Health Central Hospital where she complained of neck, head, left shoulder and back pain. Plaintiff underwent a CT scan of the cervical spine and was discharged the same day. Plaintiff then began treating with Colonial Medical Center on June 9, 2014 for chiropractic treatment and physical therapy where she continued to complain of neck pain and radiating upper extremity pain.

Plaintiff underwent a cervical MRI on June 14, 2014 that was interpreted by Dr. Sean Mahan. Dr. Mahan opined there were disc herniations at C3-4, C4-5 and C6-7. Plaintiff next came under the care of Dr. Stefan Pribil of Atlantic Coast Brain & Spine on September 19, 2014. Dr. Pribil recommended surgical intervention at the C3-4 and C4-5 levels.

Plaintiff underwent an anterior cervical discectomy with fusion on October 16, 2014 under the care of Dr. Pribil. At trial, Dr. Pribil opined that Ms. Hill had sustained a permanent injury as a result of the subject May 31, 2014 accident.

PLAINTIFF'S EXPERT WITNESSES:

Stefan Pribil, M.D.
Orthopedic Surgeon
Atlantic Coast Brain & Spine
Altamonte Springs, FL

Dr. Pribil testified that Ms. Hill sustained a permanent injury requiring surgery as a result of the May 31, 2014 accident.

Sean Mahan, M.D.
Stand-Up MRI
Radiologist
Orlando, FL

Dr. Mahan testified that Ms. Hill's radiology studies demonstrated that she had sustained an acute injury resulting from the subject accident.

DEFENDANT'S EXPERT WITNESSES:

John Jenkins, M.D.
Neurosurgeon
Zeus Spine, LLC
Orlando, FL

Dr. Jenkins was retained by the defense and reviewed plaintiff's radiology films and medical records. Dr. Jenkins testified at trial that plaintiff's surgery was related to extensive pre-existing spinal pathology rather than an acute injury.

F. Reed Murtagh, M.D.
Radiologist
Imaging Consultants of Florida
Tampa, FL

Dr. Murtagh reviewed plaintiff's medical records and radiology films and testified at trial that plaintiff had not sustained an acute injury that was causally related to the subject accident.

CHECK APPROPRIATE SPACE: x Verdict

DATE OF VERDICT:

January 18, 2017

VERDICT AMOUNT:

The jury returned a verdict awarding Ms. Hill \$6,047, an amount equal to her emergency room costs. The jury found that Ms. Hill had not sustained any permanent injury as a result of the May 31, 2014 accident.

DEFENDANT'S OFFER:

Defendant served a \$25,100 proposal for settlement on August 5, 2016.

PLAINTIFF'S DEMAND:

Plaintiff did not serve a proposal for settlement.

In closing, plaintiff demanded \$148,071 in damages for past medical bills and a nonspecific amount of additional damages for pain and suffering.

ATTORNEY'S COMMENTS:

Plaintiff's recovery of \$6,047 may be subject to post-verdict set offs for PIP payments, bringing the net verdict to zero. The defense may be entitled to attorney's fees based upon defendant's proposal for settlement in the amount of \$25,100 that plaintiff rejected prior to trial.

Date: January 27, 2017

Submitted By: Vance Dawson
Aaron Eagan

Firm: Rissman, Barrett, Hurt,
Donahue, McLain & Mangan, P.A.

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