

**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:**

Fifth Judicial Circuit in and for Lake County

**NAME OF CASE:**

TINNIE N. CAMPOS,

Plaintiff,

v.

MARY H. CANCELMO,

Defendant.

**CASE DOCKET NO.:** 2016-CA-88

**JUDGE:** Dan Mosley

**PLAINTIFF'S ATTORNEYS / TRIAL COUNSEL:**

Mark R. Ahrens, Esq.  
Trenton Swan, Esq.  
Todd K. Miner, Esq.  
Todd K. Miner, P.A.  
915 Outer Road, Ste. 100  
Orlando, FL 32814  
Telephone: (407) 894-1480  
Facsimile: (407) 894-1483

**DEFENDANT'S ATTORNEYS / TRIAL COUNSEL:**

Juan A. Ruiz, Esq.  
Aaron E. Eagan, Esq.  
Rissman, Barrett, Hurt,  
Donahue, McLain & Mangan, P.A.  
201 E. Pine Street  
15th Floor  
Orlando, FL 32801

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

Tinnie Campos was a 55-year-old female at the time of trial and was 49 years old at the time of the July 6, 2013 accident. Mrs. Campos was unemployed at the time of the subject accident and during trial.

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

The subject motor vehicle accident occurred on July 6, 2013 at the intersection of County Road 33 and Bridges Road in Lake County, Florida.

**CAUSE OF INJURY:**

Plaintiff claimed acute, permanent lumbar disc injuries and back, neck, arm and foot pain resulting from the July 6, 2013 accident. Plaintiff was a restrained passenger in a 1998 Ford F-150 pickup that was being operated by her husband, Ysidoro Campos, when defendant violated plaintiff's right-of-way at an intersection while plaintiff's vehicle was travelling at approximately 55 miles per hour. The resulting T-bone impact caused plaintiff's vehicle to spin. Both vehicles were declared total losses.

Plaintiff received a surgical recommendation for her lumbar spine. At trial, plaintiff claimed that her injuries resulting from the accident caused the need for her future lumbar surgery.

**NATURE OF INJURY:**

Plaintiff's low back injury was her chief complaint that she related to the July 6, 2013 accident. Specifically, plaintiff claimed that the accident caused acute disc injuries at L2-3, L3-4 and L4-5. Plaintiff also claimed that the accident caused head, neck, arm and foot pain, but only her lumbar injury required surgery.

Following the accident, plaintiff received diagnostic and palliative care focused primarily on her low back. Plaintiff treated medically with pain relievers and eventually underwent a series of spinal injections in her lumbar spine without permanent relief. In October of 2016, plaintiff began treating with Dr. Richard Smith, who recommended a three-level lumbar microdiscectomy at L3-4, L4-5 and L5-S1.

Plaintiff was initially unable to obtain medical clearance for the recommended lumbar surgery due to hypertension, obesity and diabetes. During trial, plaintiff claimed that she had brought her unrelated medical conditions under control and had recently received cardiac clearance for surgery, and that the surgery was scheduled to proceed on September 5, 2019.

**PLAINTIFF'S EXPERT WITNESSES:**

**Dr. Sean Mahan:** Dr. Mahan was initially a treating radiologist for plaintiff and interpreted her first post-accident lumbar MRI in 2013. Later, plaintiff's counsel retained Dr. Mahan as a trial

expert and provided him with additional radiology studies and medical records. Dr. Mahan testified at trial that Ms. Campos had sustained acute, permanent disc injuries at L2-3, L3-4 and L4-5 as a result of the July 6, 2013 accident.

**Dr. Richard Smith:** Dr. Smith was plaintiff's treating orthopedic surgeon and provided expert opinions at trial. Dr. Smith testified that plaintiff had sustained a permanent injury to her lumbar spine resulting from the July 6, 2013 accident. Dr. Smith opined that plaintiff suffered from chronic lumbar pain that had failed to respond to conservative treatment and was scheduled to undergo a three-level lumbar microdiscectomy following trial. Dr. Smith related the need for his recommended surgery to the July 6, 2013 accident.

**DEFENDANT'S EXPERT WITNESSES:**

**Dr. Marc Kaye:** Dr. Kaye was defendant's expert radiologist and testified that all of plaintiff's lumbar disc pathology were pre-existing and degenerative. Dr. Kaye testified that there was no radiographic evidence of plaintiff having sustained acute or permanent injuries or an aggravation of a pre-existing injury in the July 6, 2013 subject accident.

**Dr. Joseph Uricchio:** Dr. Uricchio performed a compulsory medical examination of plaintiff on July 10, 2019 and testified at trial as defendant's orthopedic surgery expert and compulsory medical examiner. Dr. Uricchio testified that based on his review of plaintiff's medical records and the results of his in-person physical examination, he found no evidence of any acute or permanent medical condition that could be causally related to the July 6, 2013 accident. Dr. Uricchio testified to the extent plaintiff had been recommended for lumbar surgery, her need for surgery would not have been caused by the subject accident.

**CHECK APPROPRIATE SPACE:**      X   Verdict

**DATE OF VERDICT:**

August 23, 2019

**VERDICT:**

The jury returned a verdict awarding plaintiff \$36,000 in past medical bills only, the exact amount suggested by defense counsel in surrebuttal. The jury found plaintiff did not sustain a permanent injury.

**COMPARATIVE NEGLIGENCE:**

None. Plaintiff was a passenger in her vehicle at the time of the accident and was wearing her seatbelt. The defense admitted negligence prior to trial.

**JUDGMENT:**

N/A

**DEFENDANT'S OFFER:**

On May 7, 2019, defendant served a proposal for settlement offering \$51,000 to plaintiff. This proposal was allowed to expire.

**PLAINTIFF'S DEMAND:**

On July 3, 2019, plaintiff served a demand for \$250,000. In closing, Plaintiff suggested a range of \$400,000 to \$500,000.

**ATTORNEY'S COMMENTS:**

The defense admitted negligence prior to trial and challenged plaintiff's theories of causation and damages. During trial, the defense argued that plaintiff had been regularly taking medication for chronic low back pain since as early as 2010, over three (3) years before the July 6, 2013 accident. The defense also argued that plaintiff's future surgery was speculative and was unlikely to ever occur due to the risk of medical complications related to plaintiff's comorbidities.

During initial closing argument, plaintiff's counsel did not discuss the amount of plaintiff's monetary damages. Plaintiff's counsel then attempted to discuss damages for the first time during rebuttal. Defense counsel objected on the grounds that it was improper for plaintiff to introduce monetary damages for the first time in rebuttal because the defense had not discussed plaintiff's monetary damages in its closing.

The trial court overruled defendant's objection and allowed plaintiff to argue the issue of plaintiff's claimed monetary damages in rebuttal but also granted defense counsel a five-minute surrebuttal to address the issue of damages. During surrebuttal, the defense suggested that the jury award \$36,000 in past medical bills only, the amount of plaintiff's immediate post-accident diagnostic and palliative medical treatment.

**Submitted By:**            **Juan A. Ruiz/Aaron E. Eagan**            **Date: September 30, 2019**

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

**Address:**                    **201 E. Pine Street, Suite 1500  
                                      P.O. Box 4940  
                                      Orlando, FL 32802-4940**

**Telephone:**                **(407) 839-0120**

**Fax:**                            **(407) 841-9726**

JAR/AEE/cra