

HILDA ALBARRAN vs. FAMILY DOLLAR STORES OF FLORIDA, INC.

Docket No.: 04-CA-1685; FJVR Reference No. 05:10-50

Verdict Date: **June 9, 2005**; Publication Date: **October 2005**

TOPIC: Additur - Falldown - Discount Store - Liquid Detergent on Floor

RESULT: \$ 14,135 for Plaintiff. (verdict)

Plaintiff's Negligence: 54%; Defendant's Negligence: 46%

JUDGMENT: \$ 6,502.10 for Plaintiff on July 14, 2005.

STATE: Florida

COUNTY: Orange

JUDGE: Cynthia Z. MacKinnon

PLAINTIFF PROFILE: Age: 52

Sex: Female

Occupation: Housewife

PLAINTIFF ATTORNEY: Michael V. Laurato of Jaramillo, Austin, et al., Celebration

DEFENDANT ATTORNEY: Paul S. Jones and Joseph F. Scarpa, Jr. of **Luks, Santaniello**, et al., Orlando

CAUSE OF INJURY: On January 25, 2003, at 12:30 p.m., Plaintiff was walking down an aisle in Defendant's store in Orlando when she allegedly slipped and fell on a puddle of blue liquid laundry detergent. Plaintiff fell onto the tile floor landing on her back. She sued the store on a theory of premises liability, claiming that store employees were negligent for not discovering and cleaning the spill. Defendant defended on the basis that Plaintiff was at fault because she should have seen the blue puddle and that its employees had followed Defendant's reasonable procedures regarding inspections.

NATURE OF INJURY: Herniated discs at C5-C6, C6-C7, L1-L2 and L3-L4; soft tissue injuries to shoulder, arm, and wrist. Dr. Aull related Plaintiff's herniated cervical and lumbar discs to this fall, along with Dr. Timken who also dated the age of Plaintiff's cervical and lumbar herniations to this fall. Plaintiff sought past medical expenses of \$ 12,135, future medical expenses, and past and future pain and suffering. Dr. Aull testified that Plaintiff would require, on average, \$ 3,000 per year in future medical care. Defendant argued that Plaintiff had a pre-existing degenerative neck and back condition.

PLAINTIFF EXPERT WITNESSES: Mark J. Timken, M.D., Radiology, Orlando
Susan Aull, M.D., Orthopedics, Orlando

DEFENDANT'S ATTORNEY'S COMMENTS: Paul Jones: Plaintiff's lowest pre-suit demand was \$ 100,000; at the close of the evidence at trial, Plaintiff asked the jury for \$ 75,000. Plaintiff's Motions for New Trial and Additur were denied by the judge.