

FERNANDO ALLER vs. CITY OF MIAMI, FLORIDA

Docket No.: 03-14885 CA (11); FJVR Reference No. 09:8-18

Verdict Date: **September** 16, 2008; Publication Date: **August** 2009

**TOPIC:** Defense Verdicts - Motor Vehicles - Municipalities & Government Entities - Motor Vehicle Accident - Head-on Collision

**RESULT:** For the Defendant. (verdict)

**STATE:** Florida

**COUNTY:** Miami-Dade

**JUDGE:** Robert N. Scola, Jr.

**PLAINTIFF PROFILE:** Age: 71

Sex: Male

Occupation: Retired Optical Salesman

**PLAINTIFF ATTORNEY:** Anthony F. Sanchez, Coral Gables; Nick W. Stieglitz, Jr., Miami

**DEFENDANT ATTORNEY:** Daniel B. Reinfeld, Hollywood; Christopher A. Green and Kevin R. Jones of City Attorney's Office, Miami; Thomas J. Gibbons of **Luks, Santaniello**, et al., Ft. Lauderdale

Cause Of Injury: Plaintiff alleged that on February 14, 2003, at approximately 7:00 p.m., while he was driving his vehicle in an easterly direction on Flagler Street in Miami, a police vehicle owned by Defendant being driven in a westerly direction by a law enforcement officer entered Plaintiff's lane and initiated a head-on collision. Defendant denied liability and moved for dismissal for fraud, alleging that Plaintiff failed to disclose his involvement in a previous auto accident and that any damages to Plaintiff were pre-existing.

Nature Of Injury: Torn meniscus (left knee) due to Plaintiff allegedly striking knee on the dashboard upon impact; neck and lower back sprain.

**PLAINTIFF EXPERT WITNESSES:** Barry Burak, D.C., Chiropractor, Miami

**DEFENDANT EXPERT WITNESSES:** Salvador M. Ramirez, M.D., Orthopedic Surgery, Miami  
Paul Koenigsberg, M.D., Radiology, Miami Beach

Editor's Note: This was a two-day trial. The jury was composed of four females and three males. The jury found that there was no negligence on the part of Defendant that was legal cause of damage to Plaintiff. Plaintiff's Motion for New Trial was denied. The Court entered final judgment for Defendant and taxed costs in the amount of \$ 9,830.