

EUGENE JACK BEACH vs. BENOIT PIERRE; MAUSARD GUERRIER; and GEICO
CASUALTY INSURANCE CO.

Docket No.: 03-1383 CACE 04; FJVR Reference No. 04:08-4

Verdict Date: **June** 15, 2004; Publication Date: **August** 2004

TOPIC: Motor Vehicle Accident - Running Stop Sign

RESULT: \$ 2,462.65 for Plaintiff. (verdict)

JUDGMENT: For the Defendants on June 17, 2004.

STATE: Florida

COUNTY: Broward

JUDGE: Robert B. Carney

PLAINTIFF PROFILE: Age: 39

Sex: Male

Occupation: Restaurant Manager/Part Owner

PLAINTIFF ATTORNEY: Alon Barzakay and Debi F. Chalik of Rosen & Chalik, P.A.,
Plantation

DEFENDANT ATTORNEY: Daniel J. **Santaniello** and Scott E. Danner of **Luks,
Santaniello**, et al., Ft. Lauderdale; Michael Carney of Kubicki Draper, Ft. Lauderdale

CAUSE OF INJURY: On April 14, 2002, at approximately 10:03 a.m., Plaintiff was driving north on N.W. 66th Avenue in Margate when his vehicle was struck in the front right driver's side by Defendant's vehicle. Plaintiff alleged that Defendant had negligently failed to stop, or even slow down, at a four-way stop sign causing the impact with Plaintiff's vehicle, which sustained nearly \$ 12,000 in property damage. Defendants admitted liability and the case was tried solely on the issues of causation and damages.

NATURE OF INJURY: Dr. Cummings stated that Plaintiff sustained an avulsion fracture in the base of the third metacarpal at the ligamentous insertion site in his left hand as the result of the impact. Plaintiff contended that the injury restricted his ability to make a living in his chosen profession and inhibited his ability to enjoy leisure activities. Plaintiff also asserted that he had sustained a neck injury as a result of the sudden and traumatic impact caused by the accident. Dr. Troiano testified that he examined Plaintiff and took a new set of x-rays. His evaluation of Plaintiff indicated that the fracture had completely healed and there was no restriction in Plaintiff's range of motion in the left hand or wrist. Additionally, Dr. Troiano found no objective findings to support Plaintiff's claims of continued pain and restrictions that Plaintiff claimed continued to plague him in excess of two years after the accident. Plaintiff asserted that because of this accident, he sustained a permanent injury within a reasonable degree of medical probability. Plaintiff testified

that, despite the fact that the fracture had healed, he continued to have restriction in his range of motion and pain. Plaintiff asked the jury for economic damages, medical expenses, pain and suffering, disability, physical impairment, mental anguish, inconvenience, and loss of enjoyment of life.

PLAINTIFF EXPERT WITNESSES: Phillip B. Cummings, M.D., Orthopedic Surgery, Ft. Lauderdale

DEFENDANT EXPERT WITNESSES: Christopher J. Troiano, M.D., Orthopedic Surgery, Ft. Lauderdale

DEFENDANT'S ATTORNEY'S COMMENTS: Scott Danner: Plaintiff asked the jury for approximately \$ 27,000. Although the jury returned a verdict awarding Plaintiff less than his medical expenses, the court actually entered judgment for Defendants because the PIP set-off resulted in a net verdict of \$ 0 for Plaintiff. Because of a previously filed confidential proposal for settlement, Defendant is entitled to tax costs and attorney's fees. Plaintiff demanded \$ 12,000.