

WARREN L. BROWN vs. ANGEL VALDES

Docket No.: 05-12179 CA 04; FJVR Reference No. 09:10-18

Verdict Date: **May** 28, 2009; Publication Date: **October** 2009

**TOPIC:** Defense Verdicts - Motor Vehicles - Motor Vehicle Accident - Rear-end Collision

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

**STATE:** Florida

**COUNTY:** Miami-Dade

**JUDGE:** Gerald D. Hubbart

**PLAINTIFF PROFILE:** Age: 56  
Sex: Male  
Occupation: Retired

**PLAINTIFF ATTORNEY:** Michael Garcia Petit, Miramar

**DEFENDANT ATTORNEY:** Paul S. Jones and Julie M. Congress of **Luks, Santaniello**, et al., Orlando

Cause Of Injury: Plaintiff alleged that on October 15, 2002, at 1:30 p.m. on N.W. 17th Avenue near the intersection of N.W. South River Drive in Miami, while he was stopped, waiting for the drawbridge to close and for the heavy traffic ahead of him to move, his vehicle was rear-ended by Defendant. Defendant had not been previously stopped for the drawbridge, but rather drove up just as the traffic was freed to move. Defendant was then rear-ended by another vehicle. The impact was so severe to Plaintiff's vehicle that it blew out the back window and flattened a tire. Plaintiff testified that he felt two impacts: one from Defendant's vehicle and one from the other vehicle.

Defendant claimed that he stopped short of Plaintiff's vehicle but was pushed into Plaintiff by the other vehicle. However, Defendant could not explain how Plaintiff would have then sustained two impacts in the crash.

Nature Of Injury: Plaintiff complained of immediate onset of neck and back pain. Cervical MRI confirmed herniated nucleus pulposus at C5-C6 level. Plaintiff's treating neurosurgeon, Dr. Anthony Hall, testified that the herniation was an acute condition caused by the severe rear impact from the crash. Plaintiff had no prior treatment for any neck complaints. At the time of trial, Dr. Hall testified that Plaintiff had undergone reasonable conservative treatment, including epidural injections, and that Plaintiff was in need of an anterior cervical discectomy and fusion.

At the time of the accident, Plaintiff had a prior lumbar discectomy. Dr. Hall testified that MRIs of Plaintiff's lumbar spine taken both before and after the subject accident

revealed a new annular tear in the L4-L5 disc. Dr. Hall attributed the annular tear to the impact in the subject accident.

Defendant argued that Plaintiff's injuries were not caused by the subject accident, but rather by degeneration. But even Defendant's independent medical exam physician testified that Plaintiff sustained an injury to the subject accident.

**PLAINTIFF EXPERT WITNESSES:** Anthony J. Hall, M.D., Neurosurgery, N. Miami Beach

**DEFENDANT EXPERT WITNESSES:** Salvador Ramirez, M.D., Orthopedic Surgery, Miami

Editor's Note: This was four-day trial. The jury was composed of one male and five females. The jury deliberated for approximately forty-five minutes. Defendant filed a proposal for settlement for \$ 101. Plaintiff asked the jury for \$ 400,000. Defendant's Motion for Fees and Costs from prevailing on Defendant's proposal for settlement is pending. Plaintiff's Motion for New Trial was denied.