

cause and justification under the law to make the arrest.

**Nature Of Injury:** Plaintiff was a licensed schoolteacher and had taught in Orange County Public Schools. As a result of his arrests, plaintiff alleged he was no longer eligible to be hired as a school teacher and was unable to find employment as a schoolteacher.

**Expert Witnesses:** n/a

**Judgment:** For the Defendant on May 16, 2009 (summary judgment).

**Editor's Note:** Costs were taxed against Plaintiff in the amount of \$722.75 on June 2, 2009. ■

## OSCEOLA COUNTY

(31) **JORGE DIAZ vs. FRATERNAL ORDER OF EAGLES #4048, INC., EASY ON ME, INC., d/b/a ROSCOE'S NORTH BAR & PACKAGE, and DONALD B. CALDWELL, III** (Osceola County Circuit Court, Florida)

**County/Docket #/Judge:** Osceola / 2008-CA-006141-ON / John M. Kest

**Plaintiff(s) Attorney(s):** Adam Ross Littman of Adam Ross Litman, P.A., Winter Park, FL; John Leighton of Leighton Law, P.A., Miami and Orlando, FL

**Defendant(s) Attorney(s):** For Fraternal Order of Eagles – Maria Trenzado and Todd Gretton of Traub, Lieberman et al., LLP, Altamonte Springs, FL. For Easy On Me, Inc. – C. Michael Magruder, Kissimmee, FL. For Donald Caldwell – Michael Romano of Romano & Coleman, P.A., Orlando, FL.

**Age/Sex/Occupation Of Plaintiff:** 30 / M / Air Conditioning Delivery Driver

**Cause Of Injury:** Plaintiff Jorge Diaz alleged that on St. Patrick's Day, March 17, 2007, he was injured after defendant Caldwell drove his truck into the path of Diaz's motorcycle. Diaz also alleged that Caldwell was legally intoxicated after having spent seven hours drinking at defendants' respective establishments, Fraternal Order of Eagles and Roscoe's. Diaz further claimed that Caldwell was well known at both establishments and that they continued to serve Caldwell even when he was visibly drunk. Caldwell allegedly spent the majority of the day at the Fraternal Order of Eagles, drinking 10-12 Canadian Mists. He allegedly drove to Roscoe's for one last drink (although Roscoe's

denied serving him that day) before the collision with Diaz. Caldwell allegedly pled guilty to DUI for the collision with Diaz.

**Nature Of Injury:** Plaintiff alleged traumatic brain injury; paralysis of the left side of his body; intra-cerebral hemorrhage; dysphasia; status-post ORIF; left orbital floor surgical reconstruction; post surgical debridement of facial wounds; lacerations requiring skin grafts; left periorbital fracture; abdominal trauma; tracheostomy; acute blood loss; anemia; tachycardia, bacterial pneumonia.

**Expert Witnesses:** Case settled before experts disclosed.

**Settlement:** *\$1,000,000 for Plaintiff on Aug. 13, 2009 (Fraternal Order of Eagles tendered \$1,000,000 liquor liability limits); \$20,000 for Plaintiff on Sept. 23, 2009 (\$10,000 from Roscoe's and \$10,000 policy limits from Caldwell).* ■

## PALM BEACH COUNTY

(32) **FEDERAL INSURANCE COMPANY, AS SUBROGEE OF 123, LLC vs. BONDED LIGHTNING PROTECTION SYSTEMS, INC.** (U.S. District Court, Southern District Florida, West Palm Beach Division)

**County/Docket #/Judge:** Palm Beach / 9:08-CV-KAM / Kenneth Marra

**Plaintiff(s) Attorney(s):** Kevin J. Hughes of Cozen O'Connor, Philadelphia, PA; Daniel C. Theveny and Alison E. Nold of Cozen O'Connor, Miami, FL

**Defendant(s) Attorney(s):** Daniel J. Santaniello, Paul S. Jones, and Anthony Merendino of Luks, Santaniello, et al., Boca Raton, FL

**Age/Sex/Occupation Of Plaintiff:** n/a

**Cause Of Injury:** *Negligence/Breach of Warranty/Products Liability/Lightning Protection System Failure.* Plaintiff Federal Insurance Company alleged that defendant Bonded Lightning Protection Systems, Inc. improperly installed a lightning protection system in a mansion known as "Casa Amado" in 2005 during renovations. On July 21, 2007, plaintiff claimed that lightning struck a lightning rod on the top of Casa Amado and failed to deflect the strike safely to the ground, resulting in a fire.

Plaintiff claimed that the installation of the system by defendant violated the National Fire Protection Association standards. Defendant argued that the lightning struck near

the home and energized unbonded wiring in the basement of the home and that the lightning protection system was properly installed. Plaintiff claimed that the damages that resulted from the fire cost in excess of \$9.3 million to repair and/or rebuild. Plaintiff asserted claims for negligence, breach of contract, products liability, and breach of warranties.

**Nature Of Injury:** Property loss/damage due to fire estimated at \$9,300,000.

**Expert Witnesses:**

**Plaintiff's:**

Edward Brill, Electrical Engineer, Fort Lauderdale, FL  
Jack Ward, Fire Cause and Origin, Jacksonville, FL

**Defendant's:**

Michael Stringfellow, Lightning Protection, Scottsdale, AZ  
Lee Branscome, PhD, Meteorologist/Climatologist, West Palm Beach, FL  
Robert Salisbury, Licensed General Contractor, Parkland, FL

**Verdict: For Defendant on Jan. 21, 2010. ■**

**(33) HENRY SEPPANEN and SUZANE SEPPANEN, his wife, vs. UVA CONSTRUCTION CO.** (Palm Beach County Circuit Court, Florida)

**County/Docket #/Judge:** Palm Beach / 2007 CA 009450 / Edward Fine

**Plaintiff(s) Attorney(s):** Leslie D. Glenn, Boca Raton, FL

**Defendant(s) Attorney(s):** *Pro Se*

**Age/Sex/Occupation Of Plaintiff:** Henry: 79 / M / n/a; Suzane: n/a / F / n/a

**Cause Of Injury: *Falldown/Uneven Pavement on Sidewalk of Building under Construction.*** Plaintiff Henry Seppanen alleged that on April 17, 2005, he sustained permanent injuries when he fell on uneven pavement located in a construction area on Palmetto Park Road in Palm Beach County. Plaintiffs alleged that the accident was caused by the negligence of defendant UVA Construction Company, a foreign corporation licensed to do business in Palm Beach County, for failure to maintain its premises in a safe condition. Defendant asserted plaintiff's comparative negligence. Defendant was insured under a

commercial liability policy by Westchester Surplus Lines Insurance Company, which was effective March 6, 2006. The policy contained a self-insured retention endorsement limit of \$25,000 per occurrence. Issues for determination at trial were whether plaintiff sustained a permanent injury; whether there was negligence on the part of defendant that was a legal cause of plaintiff's injuries; comparative negligence of plaintiff; and the amount of damages sustained by plaintiff. Plaintiff allegedly offered two proposals of settlement: \$15,000 on June 13, 2008 and \$18,000 on June 11, 2009.

**Nature Of Injury:** Orthopedic hand injuries which required surgery and hand rehabilitation services. Plaintiff received medical treatment from Dr. Adam Bernstein (Emergency Medicine); Dr. Michael Krebsbach (Hand Surgery); Dr. Charles Stewart (Orthopedic Surgery); Dr. Basil Chie-for (Internal Medicine) and Deborah Austin (Hand Rehabilitation Specialist).

Plaintiff's wife, Suzane Seppanen, claimed loss of consortium.

**Expert Witnesses:** n/a

**Verdict: \$58,048.48 for Plaintiffs on September 4, 2009** (\$8,048.48 – past medical expenses; \$40,000 – past pain and suffering; \$10,000 – future pain and suffering).

**Judgment:** \$58,048.48 for Plaintiffs on November 17, 2009. On Oct. 29, 2009, the court awarded plaintiff \$7,245.00 attorney's fees and \$998.14 costs.

**Editor's Note:** At 9:34 a.m. on September 4, 2009, plaintiff's counsel presented the case and read Mr. Seppanen's affidavit into evidence. At 9:42. a.m. the case presentation concluded. The jury deliberated for 22 minutes. ■

**(34) AMANDA SPIRO vs. JAC MARDEN** (Palm Beach County Circuit Court, Florida)

**County/Docket #/Judge:** Palm Beach / 2007 CA 022622 / Edward Garrison

**Plaintiff(s) Attorney(s):** Carlos A. Boddien of Ellis, Ged, et al., Boca Raton, FL

**Defendant(s) Attorney(s):** Edward W. Malavenda and Nicholas J. Ryan of Julie A. Taylor & Associates, Fort Lauderdale, FL

**Age/Sex/Occupation Of Plaintiff:** 26 / F / Tire Kingdom employee