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FLORIDA JURY VERDICT REPORTER (FJVR)

JOYCE GEISEL vs. MUVICO PALM HARBOR, INC.

Docket No.: 05-3338 CA 014; FJVR Reference No. 07:11-64

Verdict Date: **September** 18, 2007; Publication Date: **November** 2007

TOPIC: Defense Verdicts - Falldown - Movie Theater

RESULT: For the Defendant. (verdict)

STATE: Florida

COUNTY: Pinellas

JUDGE: Nelly N. Khouzam

PLAINTIFF PROFILE: Age: 53

Sex: Female

Occupation: Clerk for City of Clearwater

PLAINTIFF ATTORNEY: Andrew E. Stinnette, Dunedin

DEFENDANT ATTORNEY: Jack D. **Luks** and Carl W. Christy of **Luks, Santaniello,**
et al., Ft. Lauderdale

CAUSE OF INJURY: On August 1, 2003, Plaintiff visited Defendant's movie theater in Palm Harbor, entered the auditorium, and sat down in an aisle seat. Shortly thereafter, Plaintiff proceeded to the restroom and allegedly slipped and fell while descending a ramp within the auditorium. Plaintiff claimed that there was a greasy, slippery substance on the floor in the seating area that transferred to the soles of her shoes. Plaintiff further claimed that the lighting was inadequate and the subject ramp violated the Florida Building Code. Defendant denied the allegations and contended that the ramp did not constitute a dangerous condition. Defendant further contended that Plaintiff tripped over her own feet.

NATURE OF INJURY: Herniated disc at L4-L5 and L5-S1 which required double fusion; right knee (loose body) injury which required arthroscopic surgery (partial synovectomy); dislocated right shoulder. Plaintiff incurred \$ 63,000 in medical expenses and claimed \$ 370,000 in lost pension benefits, earnings, and earning capacity.

PLAINTIFF EXPERT WITNESSES: George F. Gade, M.D., Neurosurgery, Clearwater
Richard Kent Spears, P.E., Engineer, Tampa

EDITOR'S NOTE: Defendant offered \$ 25,000; Plaintiff demanded \$ 225,000.

DEFENDANT'S ATTORNEY'S COMMENTS: Carl Christy: Plaintiff asked the jury for \$ 633,000, \$ 433,000 of which was for medical expenses and lost wages/loss of earning capacity.