

MIAMI-DADE COUNTY

(24) **IOLA I. GERALD vs. SCHYVONNE N. TAYLOR and GEORGE HALL**

COUNTY/DOCKET #/JUDGE: Miami-Dade / 05-05023 CA 21 / Mary Barzee

PLAINTIFF(S) ATTORNEY(S): Phillip Holden, Coral Gables; Alex Alvarez, Coral Gables

DEFENDANT(S) ATTORNEY(S): Daniel J. Santaniello and William J. Peterfriend of Luks, Santaniello, et al., Ft. Lauderdale for Taylor; Victor Rams, Office of General Counsel, Miami for Hall

AGE/SEX/OCCUPATION OF PLAINTIFF: 55 / F / n/a

CAUSE OF INJURY: Motor Vehicle Accident/Running Red Light. On August 17, 2004, Plaintiff alleged that she was traveling west on N.W. 175 Street in Miami when Defendant Taylor ran a red traffic light while traveling north on 42nd Avenue and collided with Plaintiff's vehicle. Taylor had a .26 alcohol level (more than three times the legal limit) and was convicted of DUI bodily injury. Defendant Hall contended that he did not give permission to Taylor to drive the vehicle. Taylor claimed that she did not realize she was so intoxicated.

NATURE OF INJURY: Permanent injuries to neck and shoulder. Dr. Kern, Plaintiff's treating physician, testified that Plaintiff had a 7-8% impairment rating and that she had permanent damage to her cervical spine that was causing continued complaints of pain. Dr. Ramirez testified that Plaintiff suffered from a pre-existing arthritic condition of the cervical spine and did not sustain a permanent injury from this accident. Plaintiff's medical expenses totaled \$8,200.

EXPERT WITNESSES:

PLAINTIFF'S: Brad Kern, D.C., Chiropractic, N. Miami Beach
H. Chip Walls, Ph.D., Toxicology, Miami

DEFENDANT'S: Salvador Ramirez, M.D., Orthopedic Surgery, Miami

VERDICT: **\$13,209 for Plaintiff on July 25, 2006** (\$8,209 - past medical expenses; \$5,000 - punitive damages).

Plaintiff's Negligence: 3%; Defendant Taylor's Negligence: 97%

JUDGMENT: Entry of judgment is pending.

EDITOR'S NOTE: The jury found that Defendant Taylor had permission to operate Defendant Hall's vehicle. The jury also found that Plaintiff did not sustain an injury which was permanent within a reasonable degree of medical probability. Plaintiff requested \$250,000 for pain and suffering as well as \$20,000 in punitive damages for Taylor's intoxication. A motion for a \$10,000 PIP set-off for past medical expenses is pending.

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Reported: October 2006