

RAYMOND GOINS vs. CARMEN LOPEZ

Docket No.: 04-CA-3895; FJVR Reference No. 06:8-51

Verdict Date: **June** 30, 2006; Publication Date: **August** 2006

TOPIC: Motor Vehicle Accident - Hit and Run

RESULT: \$ 2,663 for Plaintiff. (verdict)

(property damage).

Plaintiff's Negligence: 25%; Defendant's Negligence: 75%

JUDGMENT: \$ 1,997.25 for Plaintiff.

STATE: Florida

COUNTY: Orange

JUDGE: Cynthia Z. Mackinnon

PLAINTIFF PROFILE: Age: 45

Sex: Male

Occupation: Truck Parts Delivery Driver

PLAINTIFF ATTORNEY: Harren E. Udell of Morgan & Morgan, P.A., Orlando

DEFENDANT ATTORNEY: Paul S. Jones and Joseph F. Scarpa, Jr. of **Luks, Santaniello**, et al., Orlando

CAUSE OF INJURY: On July 28, 2003, at approximately 5:25 p.m., Plaintiff alleged that he was making a left turn onto Jordan Avenue from Orange Blossom Trail in Orlando when his vehicle was struck by Defendant's vehicle. Plaintiff further alleged that Defendant failed to stop, had entered into Plaintiff's direction of travel, and then fled the scene. A witness to the accident obtained the license plate number of the fleeing vehicle. The officer responding to the accident traced the fleeing vehicle's license plate to Defendant's residence. After finding heat coming from the engine, damage to the vehicle, and matching paint chips, the officer determined that Defendant's vehicle was involved in the accident. Defendant claimed that her vehicle was not involved in the accident; that Plaintiff did not sustain an injury as a result of this accident; and that Plaintiff was not permanently injured.

NATURE OF INJURY: Permanent injury to cervical and lumbar spine from sprain/strain or aggravation of spondylosis. Plaintiff complained of ongoing pain and difficulty sleeping since the accident. Dr. Webster testified that Plaintiff sustained a permanent injury as a result of this accident and that Plaintiff would need \$ 4,000 to \$ 5,000 in future treatment for the rest of his life, to induce trigger point injections for pain control. Dr. Lotman reported that Plaintiff may have sustained a compression fracture at C-6 due to the accident. Plaintiff's medical expenses totaled

\$ 5,915. Plaintiff also claimed property damage to his vehicle in the amount of \$ 2,663.

PLAINTIFF EXPERT WITNESSES: Paul S. Webster, M.D., Pain Management/Anesthesiology, Orlando

DEFENDANT EXPERT WITNESSES: D. Barry Lotman, M.D., Orthopedic/Arthroscopic Surgery, Jupiter

EDITOR'S NOTE: Plaintiff served a Proposal for Settlement for \$ 10,000 (policy limits).