

JENNIFER HSIAO vs. ALFONSO RODGERS and STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.

Docket No.: 05-CA-010182; FJVR Reference No. 07:9-29

Verdict Date: **June 20**, 2007; Publication Date: **September** 2007

TOPIC: Motor Vehicles - Motor Vehicle Accident - Collision

RESULT: \$ 21,260 for Plaintiff. (verdict)

(past medical expenses).

STATE: Florida

COUNTY: Hillsborough

JUDGE: Marva L. Crenshaw

PLAINTIFF PROFILE: Age: 49

Sex: Female

Occupation: Bookkeeper

PLAINTIFF ATTORNEY: Phillip J. Slotnick of Burnett, P.A., Lakeland

DEFENDANT ATTORNEY: Anthony J. Petrillo and Jason D. Montes of **Luks, Santaniello**, et al., Tampa

CAUSE OF INJURY: On July 13, 2007, Plaintiff and Defendant Rodgers were involved in a severe accident in Ybor City in which both vehicles were totaled. The case was tried on causation and damages only.

NATURE OF INJURY: Aggravation of pre-existing neck injury (disc herniations); back injury (activation of symptoms from dormant/asymptomatic lumbar herniation). Plaintiff received a series of epidural steroid and trigger point injections and had a surgical recommendation on paper. Plaintiff also claimed that she had no back complaints for ten years prior to the accident, but began to experience back pain shortly after the accident. Defendants ordered an IME with Dr. Murphy who found that Plaintiff suffered from chronic intermittent type pain which was the same condition she had prior to the accident. Defendants used Dr. Murtagh to show the jury the before and after MRIs of Plaintiff's neck and back to demonstrate that there were no objective findings to demonstrate any injury, permanent or otherwise. Defendants also highlighted the absence of any back complaints to the EMT, the hospital, and to Plaintiff's primary care physician the next day. The first back complaints did not surface until one week after the accident. Defendants also showed the jury that Plaintiff's post-accident neck treatment and complaints were identical to her pre-accident neck treatment and complaints. Plaintiff's treating physicians and Dr. Martinez all testified that Plaintiff had a permanent injury within a reasonable degree of medical probability that was caused by the accident. Dr. Martinez assigned a 23% permanent impairment rating. Plaintiff agreed with Defendants' experts that

the MRIs were the same before and after the accident.

PLAINTIFF EXPERT WITNESSES: Beverly E. Eadie, M.D., Pain Management/Physiatry, Lutz
Adrienne Payne, M.D., General Medicine
Robert Martinez, M.D., Neurology, Tampa

DEFENDANT EXPERT WITNESSES: Daniel E. Murphy, M.D., Orthopedic Surgery, Tampa
F. Reed Murtagh, M.D., Neuroradiology, Tampa

PLAINTIFF'S ATTORNEY'S COMMENTS: There was a \$ 10,000 policy on which Defendant never made an offer. Plaintiff's Motion for Costs is pending.

DEFENDANT'S ATTORNEY'S COMMENTS: There will be an approximately \$ 10,000 setoff of the award for PIP benefits received, for an approximate net verdict (exclusive of costs) of \$ 11,260. Although the \$ 10,000 policy limits were never offered, there were settlement offers.