

**JULIO PEREZ ESCHEVARRIA vs. LABORATORY CORPORATION OF AMERICA and CHARLOTTE R. HILL; 2015 FL Jury Verdicts Rptr. LEXIS 508**

Docket No. 2014CA004716 AI; FLTVR Reference No. 15:09-29

June 19, 2015

**Published:** September, 2015

**Topic:** Negligence - Motor Vehicles - Intersection Collision Between Car and Motorized Bicycle

**Result:** \$ 199,457.30 for Plaintiff. (verdict)

\$ 13,962.01 for Plaintiff on July 6, 2015 (after reduction of verdict for comparative negligence).

(Prior to reduction for comparative negligence: \$ 82,457.30 -- past medical expenses; \$ 30,000 -- future medical expenses; \$ 12,000 -- past lost earnings; \$ 5,000 -- future lost earnings; \$ 30,000 -- past pain and suffering; \$ 40,000 -- future pain and suffering).

**Award:** \$ 199457

**Injury:** Nature Of Injury: Personal injuries including dislocated comminuted distal tibia fracture requiring left ankle closed reduction with application of Orthofix unilateral external fixator and open reduction with internal fixation to repair left pilon fracture and adjustment of external fixator; future left ankle fusion; lost wages; loss of earning capacity; pain and suffering.

**State:** Florida

**County:** Palm Beach

**Court:** Palm Beach

**Judge:** Meenu Sasser

**Plaintiff Profile**

Age: 31

Sex: Male

Occupation: Commercial Diver

**Plaintiff Counsel**

Alejandro Casas of Littky, Smith, et al., P.A., West Palm Beach, FL

**Defendant Counsel**

Daniel J. Santaniello and Steven Hemmert of Luks, Santaniello, et al., Fort Lauderdale, FL

**Case Summary**

Cause Of Injury: On Jan. 28, 2014, at 7:12 p.m., defendant Charlotte Hill was operating a Volkswagen Jetta owned by defendant Laboratory Corporation of America at the intersection of Raulerson Drive and Lake Worth Road in Greenacres, FL, in the course and scope of her employment as a courier. Plaintiff Julio Perez ***Eschevarria***, returning to his house from his job as a commercial diver, was riding a bicycle equipped with a 66 cc, 2.75 HP gasoline engine, in the bicycle lane eastbound on Lake Worth Road. As Hill turned onto Raulerson Drive from

JULIO PEREZ ESCHEVARRIA vs. LABORATORY CORPORATION OF AMERICA and CHARLOTTE R. HILL;  
2015 FL Jury Verdicts Rptr. LEXIS 508

westbound Lake Worth Road, plaintiff entered the intersection and impacted the right passenger side of the Jetta. Plaintiff had purchased his vehicle from Family Bicycles, LLC approximately four days prior to the accident.

In plaintiff's ensuing negligence action against Hill and LabCorp, filed on April 21, 2014, defendants presented evidence that plaintiff's vehicle was illegal and unsafe to operate on a public roadway. Defendants also presented evidence that Family Bicycles, LLC, sold the vehicle to plaintiff without providing plaintiff with warnings of the hazards of operating the vehicle or that the vehicle was illegal to operate on a public roadway.

Plaintiff was treated at the scene by Greenacres Public Safety for an obvious deformity to the ankle and abrasions to his hands, arms and legs. Plaintiff was transported by ambulance to JFK Medical Center in Atlantis, FL, where plaintiff presented with a dislocated comminuted distal tibia fracture. Dr. Arnold Zager performed a left ankle closed reduction with application of Orthofix unilateral external fixator. On February 12, 2014, Dr. Zager performed an open reduction with internal fixation to repair plaintiff's left pilon fracture and adjusted the external fixator. Plaintiff remained in the hospital until February 14, 2014. Dr. Zager and defendant's retained orthopedic surgeon testified that plaintiff would require a fusion of the left ankle in the future.

Plaintiff's total medical bills admitted into evidence were \$ 305,512.99.

#### **Plaintiff Expert(s)**

Donald Felicella, Accident Reconstruction, Loxahatchee, FL

Gary DiBlasio, M.D., Physical Medicine and Life Care Planning, North Palm Beach, FL

Arnold Zager, M.D., Podiatry, Boynton Beach, FL

#### **Defendant Expert(s)**

Alan Moore, Accident Reconstruction/Motorcycle Safety, Orlando, FL

Anthony Dorto, M.D., Physical Medicine and Life Care Planning, Aventura, FL

Stephen Jacobs, M.D., Orthopedic Surgery, Plantation, FL

#### **Editor's Note**

The jury apportioned comparative negligence as follows: Charlotte Hill: 7%; Family Bicycle, LLC: 33%; Julio Perez **Eschevarria**: 60%. Defendants stipulated the vicarious liability of Laboratory Corporation of America.

Defendant's Attorney's Comments: Plaintiff requested a verdict of \$ 2.4 million from the jury at closing. Plaintiff filed a motion for new trial on July 6, 2015.

Copyright 2015 Florida Legal Periodicals, Inc.  
FLORIDA JURY VERDICT REPORTER (FJVR)

---

End of Document