

FRANCISCO JASSO & ARACELI I. DE JASSO, his wife vs. SHAWN ANGEL and JUAN RAMOS

Docket No.: 06-11594 CA 23; FJVR Reference No. 08:1-34

Verdict Date: **October** 25, 2007; Publication Date: **January** 2008

TOPIC: Motor Vehicles - Motor Vehicle Accident - Rear-end Collision

RESULT: \$ 6,600 for Plaintiff. (verdict)

(\$ 3,600 - past medical expenses; \$ 3,000 - past lost wages).

Defendant Angel's Negligence: 50%; Defendant Ramos' Negligence: 10%; Non-Party Phantom Vehicle's Negligence: 40%

JUDGMENT: For the Defendants on November 1, 2007.

STATE: Florida

COUNTY: Miami-Dade

JUDGE: Victoria S. Sigler

PLAINTIFF PROFILE: Age: 32

Sex: Male

Occupation: Window Installer

PLAINTIFF ATTORNEY: Pablo R. Bared and Warren D. Diener of Bared & Assoc., P.A., Coral Gables

DEFENDANT ATTORNEY: Daniel J. **Santaniello** and Julie M. Congress of **Luks, Santaniello**, et al., Ft. Lauderdale for Ramos; Andrew M. Westhafer, Office of General Counsel for United Automobile Insurance, Miami for Angel

CAUSE OF INJURY: Plaintiffs alleged that on October 5, 2005, Francisco was traveling north on the Florida Turnpike in Miami when he stopped for an accident ahead, and was rear-ended by Defendant Angel's vehicle. Defendant Ramos claimed that his vehicle was struck in the right rear door by a phantom vehicle, which left the scene of the accident prior to the police arriving, and which forced Ramos' vehicle into Angel's vehicle, subsequently causing Angel's vehicle to strike Plaintiffs' vehicle a second time.

NATURE OF INJURY: Permanent neck and lower back injuries; loss of ability to enjoy life, work, exercise, and play with children; medical expenses in the amount of \$ 16,000. Dr. Witherell, Plaintiff's treating physician, opined that Plaintiff had a 9% permanent impairment rating.

PLAINTIFF EXPERT WITNESSES: Charles T. Witherell, D.C., Chiropractic, Homestead

DEFENDANT EXPERT WITNESSES: Salvador M. Ramirez, M.D., Orthopedic Surgery, Miami

EDITOR'S NOTE: The jury found that Plaintiff did not sustain a permanent injury within a reasonable degree of medical probability as a result of this accident. Each Defendant served Proposals for Settlement to Plaintiff for a total amount of \$ 1,501; Plaintiff served a Proposal for Settlement to Defendants in the amount of \$ 10,000 each. Plaintiff demanded \$ 10,000 from each Defendant prior to trial. Plaintiff requested payment for past and future pain and suffering and lost wages in the amount of approximately \$ 11,000. Plaintiff stipulated to a set-off of \$ 10,000 off the verdict at the commencement of trial.