

JOHN JERICIAU vs. OLGA VAZQUEZ

Docket No.: 502005CA005914; FJVR Reference No. 08:8-43

Verdict Date: **February** 7, 2008; Publication Date: **August** 2008

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

RESULT: For the Defendant. (verdict)

STATE: Florida

COUNTY: Palm Beach

JUDGE: Edward H. Fine

PLAINTIFF PROFILE: Age: 43
Sex: Male
Occupation: Sales Representative

PLAINTIFF ATTORNEY: Peter S. Van Keuren of Hicks, Brams & Motto, W. Palm Beach

DEFENDANT ATTORNEY: Paul S. Jones and Marc M. Greenberg of **Luks, Santaniello**, et al., Orlando

CAUSE OF INJURY: On October 21, 2004, at approximately 4:00 p.m., Plaintiff was traveling near the intersection of Okeechobee Boulevard and Military Trail when his vehicle was allegedly rear-ended by Defendant's vehicle, causing Plaintiff's vehicle to collide with the vehicle in front of him.

NATURE OF INJURY: Plaintiff had his right hand on the steering wheel at the time of the impact. Orthopedic surgeon, Dr. Jeffrey Kugler, performed arthroscopic surgery on Plaintiff's right shoulder and debried what Dr. Kugler visualized as a full-thickness tear of the rotator cuff. Plaintiff also experienced neck pain from the impact. MRI of Plaintiff's cervical spine revealed disc herniations at C4-C5 and C5-C6 with spinal cord compression and impingement of the C6 nerve root. Plaintiff underwent a series of cervical epidural steroid injections which provided only minimal relief. Surgery was recommended. Defendant argued that Plaintiff's injuries were not caused by this accident. Plaintiff presented evidence of past lost wages of \$ 60,000 with a continuing wage loss of \$ 20,000 per year. Plaintiff's past medical expenses were over \$ 35,000. Plaintiff asked the jury for over \$ 250,000.

PLAINTIFF EXPERT WITNESSES: Jane E. Bistline, M.D., Anesthesiology/Pain Management, Boca Raton

DEFENDANT EXPERT WITNESSES: Michael M. Raskin, M.D., Radiology, Tamarac
Melvin D. Young, M.D., Orthopedic Surgery, Boca Raton

EDITOR'S NOTE: Defendant filed a Proposal for Settlement for \$ 2,501. Plaintiff demanded \$ 10,000 (policy limits).