

JUSTINE KINDYA and ROBERT KINDYA, her husband vs. WILFRED ALVARINO

Docket No.: 06-10630 Div. C; FJVR Reference No. 09:6-18

Verdict Date: **March** 26, 2009; Publication Date: **June** 2009

**TOPIC:** Motor Vehicles - Motor Vehicle Accident - Failure to Yield

**RESULT:** \$ 10,733.33 for Plaintiff Justine Kindya. (verdict)

(past medical expenses).

Plaintiff's Negligence: 10%; Defendant's Negligence: 90%

**JUDGMENT:** Entry of judgment is pending.

**STATE:** Florida

**COUNTY:** Hillsborough

**JUDGE:** James M. Barton, II

**PLAINTIFF PROFILE:** Justine

Age: 34

Sex: Female

Occupation: Accountant

Robert

Age: 41

Sex: Male

Occupation: Ph.D. Student

**PLAINTIFF ATTORNEY:** Rob Scanlan and Keith M. Carter of Morgan & Morgan, Tampa

**DEFENDANT ATTORNEY:** Anthony J. Petrillo and Xavier J. Jackman of **Luks, Santaniello**, et al., Tampa

Cause Of Injury: Plaintiff Justine Kindya was traveling near the intersection of 50th Street/US 41 and El Camino Blanco Boulevard in Tampa on March 8, 2005, at approximately 5:15 p.m., when her vehicle struck Defendant's vehicle as Defendant attempted a left hand turn across Plaintiff's right of way. Defendant alleged that Plaintiff Justine Kindya was traveling at a rate of speed higher than appropriate for the conditions that existed at the time of the accident.

Nature Of Injury: Plaintiff Justine Kindya claimed a new permanent injury to the lumbar back as well as exacerbations of previous injuries to the neck, head, and upper back, to support a claimed impairment rating of 7%.

**PLAINTIFF EXPERT WITNESSES:** Todd Green, D.O., Osteopathy, Fairbanks, AK

**DEFENDANT EXPERT WITNESSES:** Steven Knezevich, M.D., Orthopedic Surgery,  
Tampa

Editor's Note: The jury found that Plaintiff Justine Kindya did not suffer a permanent injury. The jury did not award Plaintiff Robert Kindya any monies. After set-offs, the verdict was reduced to zero. Defendant offered \$ 2,501; Plaintiffs' demand was \$ 10,000.