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## DEFENSE VERDICT



### Defense Verdict: Trip and Fall with Two Surgeries (Pinellas County, FL)

On May 1, 2017, Tampa Partner, Joseph Kopacz, Esq. obtained a Defense Verdict in the matter styled Kimberly Ellison v. Dag 3, LLC in Pinellas County, Florida in front of Judge Pamela Campbell. Plaintiff alleged Dag 3 was negligent in the maintenance of the parking lot at the shopping center by allowing a piece of exposed rebar to protrude from the top of a wheel stop causing her to fall. The plaintiff's construction expert testified that the exposed rebar violated the ASTM standards and general maintenance guidelines. The defendant's construction expert testified that the subject parking lot complied with all building codes and industry standards. Testimony from the plaintiff's friend confirmed in fact he backed his pick-up truck (with a trailer hitch) into the parking space over the wheel stop in which plaintiff claimed to trip over. Defense argued plaintiff tripped over the trailer hitch attached to rear of the pick-up truck and not the exposed rebar on the wheel stop. The plaintiff broke both of her wrists from the fall and was rushed by ambulance to the hospital. Plaintiff was claiming medical expenses near \$100,000 for the two surgeries performed to her left and right wrist. The case was tried on liability only. The jury deliberated for 5 minutes before rendering a defense verdict.

#### [About Luks and Santaniello LLC.](#)

**Our verdicts tell the story.**<sup>™</sup> Luks, Santaniello, Petrillo & Jones is a Florida Corporate & Insurance Defense Litigation firm. The Law Firm is Peer Review Rated by Martindale-Hubbell. Our mission is to provide our clients with legal services that help them manage risk and reduce exposure. Our goal is to ensure that our clients obtain equal justice in the courtroom. Luks, Santaniello is a member of [The Gavel.net LLC](#), nationwide insurance defense network.

Luks, Santaniello defends businesses and insurers in Liability, most insurance lines and Workers' Compensation matters. The firm has a diversified team of 75 Insurance Defense Litigation attorneys across nine offices in Miami, Boca Raton, Fort Lauderdale, Fort Myers, Orlando, Tampa, Jacksonville, Tallahassee and Pensacola. Members have tried over 200 cases in Florida State and Federal Courts. We have a strong reputation in defending complicated general liability

bodily injury claims involving over treatment, high medicals, letter of protection(s) and questionable surgeries.

Managing Partner Dan Santaniello and Central and North Partners, Anthony Petrillo (Tampa) and Paul Jones (Orlando) are all **Florida Bar Board Certified Civil Trial Experts**. Partners Christopher Burrows, Patrick Hinchey and Joseph Kopacz are all **Florida Bar Board Certified Construction Law Experts**. The firm has a full service Appellate team in South, Central and Northern Florida to assist with summary judgments, motions in limine, discovery objectives, trial strategy and post trial positions. The Daily Business Review selected Luks, Santaniello as finalists for the Most Effective Lawyers for its innovation in filing a Declaratory Judgment Action in a multiple Wrongful Death claim.

For questions or assistance with your Florida matters, please contact the Managing Partner, Client Relations or your Luks & Santaniello contact. [View Contact Directory Now.](#)

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