

YVETTE MELENDEZ vs. ROSE MACEYS

Docket No.: 02-27461 CA 20; FJVR Reference No. 04:06-47

Verdict Date: **March 30, 2004**; Publication Date: **June 2004**

**TOPIC:** Defense Verdict - Motor Vehicle Accident - Rear-end Collision

**RESULT:** For the Defendant. (verdict)

**STATE:** Florida

**COUNTY:** Miami-Dade

**JUDGE:** Ronald Dresnick

**PLAINTIFF PROFILE:** Age: 39  
Sex: Female  
Occupation: Nursing Assistant

**PLAINTIFF ATTORNEY:** Lawrence Ben of Chikovsky, Ben & Schafer, Hollywood

**DEFENDANT ATTORNEY:** Daniel J. **Santaniello of Luks, Santaniello**, et al.,  
Miami

**CAUSE OF INJURY:** On August 13, 2001, Plaintiff was traveling east on NW 135th Street in Miami and was stopped at a red light. Plaintiff alleged that Defendant struck her vehicle from behind causing a severe impact and approximately \$ 2,500 in property damage. Plaintiff contended that, as a result of the accident, she sustained multiple cervical and lumbar herniations and a permanent injury. Defendant did not dispute liability for the accident.

**NATURE OF INJURY:** Herniated discs at C3-C4 and C4-C5; bulging disc at C5-C6; large central disc herniation at L3-L4; central disc herniation at L4-L5; broad-based disc herniation at L5-S1. Plaintiff incurred \$ 16,298 in past medical expenses and Dr. Williamson testified that Plaintiff would require \$ 2,500 to \$ 5,000 in future medical care per year. Dr. Williamson gave Plaintiff a 17-18% permanent partial impairment of the body as a whole. Plaintiff also treated with Dr. Lawrence Bloomberg, an orthopedic surgeon, who gave her a 7% permanent partial impairment of the cervical spine and a 9% impairment of the lumbosacral spine, for a total of 15%. Dr. Bloomberg stated that Plaintiff's surgery, if needed, would be approximately \$ 27,000, with another \$ 8,000 for operative rehabilitation. Defendant contended that Plaintiff's herniated discs were degenerative. Plaintiff had no prior medical treatment for neck or back.

**PLAINTIFF EXPERT WITNESSES:** Wallace Williamson, M.D., Physical  
Medicine/Rehabilitation, Miami

**DEFENDANT EXPERT WITNESSES:** Paul Koenigsberg, M.D., Radiology, Miami  
Salvador Ramirez, M.D., Orthopedic Surgery, Miami

EDITOR'S NOTE: Plaintiff demanded the policy limits.

DEFENDANT'S ATTORNEY'S COMMENTS: Plaintiff asked the jury for \$ 57,048.86. Defendant is entitled to attorney's fees and costs based upon her Proposal for Settlement. Although Defendant admitted liability, the jury determined that the accident was not the legal cause of loss, injury, or damage to Plaintiff and answered "no" to question one on the verdict form.