

WILLIAM MOREA vs. FOREST CITY ENTERPRISES, INC. and COLONY PLACE, LLC

Docket No.: 06-CA-000714; FJVR Reference No. 08:8-18

Verdict Date: **May** 21, 2008; Publication Date: **August** 2008

TOPIC: Defense Verdicts - Falldown - Apartment Complex

RESULT: For the Defendants. (verdict)

STATE: Florida

COUNTY: Lee

JUDGE: Margaret O. Steinbeck

PLAINTIFF PROFILE: Age: 68
Sex: Male
Occupation: Retired

PLAINTIFF ATTORNEY: Mark A. Steinberg of Steinberg & Linn, P.A., Naples

DEFENDANT ATTORNEY: Anthony J. Petrillo and Jason D. Montes of **Luks, Santaniello**, et al., Tampa

CAUSE OF INJURY: In July 2004, Plaintiff was walking to the dumpster area at Colony Place Apartments in Ft. Myers when he allegedly tripped on a crack in the pavement. Plaintiff claimed that Defendants failed to maintain the apartment complex premises in a reasonably safe condition and/or failed to warn Plaintiff of a dangerous condition. Defendants argued that the condition was not dangerous, but was an innocuous, everyday condition that is seen in most pavements. Defendants claimed that Plaintiff had walked to that specific area frequently enough to have superior knowledge of its condition. Defendants further claimed that Plaintiff could not identify which of the two conditions on the pavement caused his fall. It was disputed whether the condition had ever been reported to Defendants as a dangerous condition. Plaintiff voluntarily dismissed the failure to warn allegation. The trial was bifurcated and tried on liability only.

NATURE OF INJURY: Knee injury which required arthroscopic surgery (partial medial meniscectomy with debridement of the medial femoral condyle and patella; synovectomy at medial and femoral interior compartments); trigger finger; carpal tunnel; herniated disc at L3-L4 with micro decompression surgery.

EDITOR'S NOTE: This was a two day trial. The jury was composed of three males and three females. The jury deliberated for one-half hour. Defendants filed a Proposal for Settlement for \$ 15,000, which Plaintiff rejected. Plaintiff demanded \$ 40,000.