

GERMAN PAZ vs. VLADIMIR HERNANDEZ and MERCEDES PENA

Docket No.: 04-7559 CA 02; FJVR Reference No. 06:10-26

Verdict Date: **May** 24, 2006; Publication Date: **October** 2006

TOPIC: Motor Vehicle Accident - Running Red Light

RESULT: \$ 42,851 for Plaintiff. (verdict)

(\$ 27,851 - past medical expenses; \$ 10,000 - past pain and suffering; \$ 5,000 - future pain and suffering).

STATE: Florida

COUNTY: Miami-Dade

JUDGE: Ronald Friedman

PLAINTIFF PROFILE: Age: 31

Sex: Male

Occupation: Self-employed Auto Mechanic

PLAINTIFF ATTORNEY: John Lawlor and Cam Justice of Lawlor, Winston & Justice, Ft. Lauderdale

DEFENDANT ATTORNEY: Daniel **Santaniello** and Nicholas DeCapua of **Luks, Santaniello**, et al., Ft. Lauderdale

CAUSE OF INJURY: On October 22, 2002, at approximately 8:10 p.m., Defendant Pena operated a vehicle owned by Defendant Hernandez in Florida City. Plaintiff alleged that she was driving straight when Pena ran a stop light and caused the collision. Pena alleged that Plaintiff did not have her lights on; Defendant also contended that she did stop at the stop light.

NATURE OF INJURY: Herniated disc at C5-C6 for which surgery was performed.

PLAINTIFF EXPERT WITNESSES: Dennis Zaslow, D.O., Osteopathy/Orthopedic Surgery, Miami (video depo)

DEFENDANT EXPERT WITNESSES: Allan Herskowitz, M.D., Neurology, Miami
Salvador Ramirez, M.D., Orthopedic Surgery, Miami

EDITOR'S NOTE: The jury found that there was negligence on the part of Defendants, but not Plaintiff, which was a legal cause of loss, injury, or damage to Plaintiff. The jury also found that Plaintiff sustained a permanent injury within a reasonable degree of medical probability as a result of this accident. There was a PIP set-off of \$ 10,000. Defendants offered \$ 35,000.