

# AUTO LIABILITY

## *Personal Representative of the Estate of Decedent v. Marley* Defense Verdict



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Plaintiff Counsel: The Schiller Kessler Group and McCullough & Leboff, P.A.

### ***Wrongful Death Auto Liability – Defense Verdict***

On July 18, 2024, Orlando Partners Juan A. Ruiz and Michael H. Kestenbaum obtained a defense verdict in a wrongful death auto liability matter styled *Personal Representative of the Estate of Decedent v. Marley*. The plaintiff filed suit against defendant, Marley, alleging negligence in the wrongful death of Decedent.

Plaintiff alleged that the defendant was operating his vehicle on eastbound Interstate 4 in an unsafe manner leading to a motor vehicle accident, which caused his vehicle to spin and flip. As a result of the vehicle flipping, the decedent, an unbelted rear seat, passenger, was ejected, and killed. The defense, unable to rebut the allegations of negligence, chose to defend this matter on causation as a result of the plaintiff not wearing his seatbelt.

At trial, the defense presented testimony from, John F. Abercrombie, M.D., MS, FACEP, a biomedical expert who testified that the failure to wear a seatbelt was the approximate cause of the ejection, which was the approximate cause of death. The jury deliberated for 2.5 hours before returning a complete defense verdict. Post trial motions are pending. The defense is entitled to prevailing party costs.