

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

STATE FARM FIRE AND CASUALTY
COMPANY,

Case No: 2009-77939-CA-01

Plaintiff,

vs.

S & B MEDICAL CENTER, INC. AND
SERGIO MONTOYA,

Defendant

_____ /

VERDICT FORM

WE, the jury, return the following verdict:

1. What is the total amount of the Plaintiff's damages as a result of the civil theft?

\$15,600.00

SO SAY WE ALL, this 20 day of January, 2011.

Craig P. Vamer FOREPERSON

2011 WL 1250262 (Fla.Cir.Ct.)
For Dockets See [CACE08041219](#)

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Florida Circuit Court, Seventeenth Judicial Circuit, Broward County.

Linda Hinds v. State Farm Mutual Automobile Insurance Company

No. 08-41219-CACE-12

DATE OF VERDICT/SETTLEMENT: January 20, 2011

TOPIC: MOTOR VEHICLE - UNINSURED MOTORIST - MOTOR VEHICLE - INTERSECTION - MOTOR VEHICLE - QUESTION OF LIGHTS

Defense Claimed Plaintiff Exaggerated Injuries After Crash

SUMMARY:

RESULT: Verdict-Plaintiff

Award Total: \$30,000

The jury found that Hinds was 50 percent at fault for the accident, while Jones was 50 percent liable.

The jury awarded \$30,000 in medical specials, and award nothing in future medical expenses or pain and suffering.

EXPERT WITNESSES:

Plaintiff: Anjan K. Ghosh, M.D.; Pain Management; Andalusia, AL [Scott S. Katzman](#), M.D.; Orthopedic Surgery; Boynton Beach, FL

Defendant: [Kenneth Jarolem](#), M.D.; Orthopedic Surgery; Plantation, FL

ATTORNEYS:

Plaintiff: [Matthew D. Kobren](#); Glotzer & Kobren, P.A.; Boca Raton, FL (Linda Hinds)

Defendant: [Jeffrey B. Tutan](#); Roig, Tutan, Rosenberg & Zlotnick, P.A.; Deerfield Beach, FL (State Farm Mutual Automobile Insurance Co.); [Jenna T. Hackman](#); Roig, Tutan, Rosenberg & Zlotnick, P.A.; Deerfield Beach, FL (State Farm Mutual Automobile Insurance Co.)

JUDGE: [Peter Weinstein](#)

RANGE AMOUNT: \$1-49,999

STATE: Florida

COUNTY: Broward

INJURIES: Hinds alleged soft-tissue lower back and neck injuries.

Facts:

On June 30, 2006, plaintiff Linda Hinds, 50s, retired, was driving a minivan eastbound on Environ Boulevard in Fort Lauderdale. At the same time, Tony Jones was operating a sedan southbound on Inverrary Boulevard. At the Environ-Inverrary intersection, the left side of the plaintiff's minivan struck the front of Jones's sedan.

Jones had no liability insurance.

Hinds subsequently filed an uninsured motorist suit against her own insurer, State Farm Mutual Automobile Insurance Co.

Hinds claimed that she entered the intersection on a green light.

Defense counsel contended that Hinds entered the intersection on a yellow or red light.

After conservative treatment with a pain management specialist and physical therapy, she was referred to an orthopedist. Hinds underwent epidural injections, facet injections, rhizotomies, a lumbar discogram and a lumbar disc decompression.

The plaintiff had \$10,000 in Florida PIP and \$100,000 in Canada PIP available to her. She made no wage loss claim, but alleged emotional distress. Thus, plaintiff's counsel asked the jury to award roughly \$300,000, or about \$140,000 in past medicals and \$160,000 for past and future pain and suffering.

Defense counsel responded that Hinds was exaggerating her injuries. They argued that the plaintiff's injuries were pre-existing, noting that she did not go to a hospital and was able to drive away from the scene without receiving EMS treatment.

Defense counsel presented photographs of the plaintiff's minivan, which depicted minimal damage over the front left tire with some separation between the quarter panel and tire. They also contended that the plaintiff spent approximately \$2,000 in repairs.

The defense also pointed out medical records from Canada going back to the mid-1980s, which showed that Hinds had numerous issues with her cervical and lumbar spines. She had prior diagnoses of degenerative disc disease with numerous complaints of chronic back pain. She underwent physical therapy and chiropractic care in the 1980s and had many diagnostic tests over the years, including one in the mid-1990s which confirmed the earlier diagnosis of degenerative disc disease in her lumbar spine.

With the liability apportionment, the actual award was \$15,000.

With the PIP offset of \$10,000, the award would be further reduced to \$5,000, according to defense counsel. However, plaintiff's counsel disputed that there was a PIP hearing.

ALM Properties, Inc.

Broward County Circuit Court, 17th

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