

LIZETT FAJO vs. LIZETT NASO

Docket No.: 05-1194 CACE 09; FJVR Reference No. 07:4-8

Verdict Date: **March** 7, 2007; Publication Date: **April** 2007

**TOPIC:** Defense Verdicts - Motor Vehicle Accident - Running Stop Sign

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

**STATE:** Florida

**COUNTY:** Broward

**JUDGE:** Robert L. Andrews

**PLAINTIFF PROFILE:** Age: 28

Sex: Female

Occupation: Chemist

**PLAINTIFF ATTORNEY:** Arnold Hessen of Hessen, Schimmel & De Castro, Miami

**DEFENDANT ATTORNEY:** Daniel J. **Santaniello** and William J. Peterfriend of **Luks, Santaniello**, et al., Ft. Lauderdale

**CAUSE OF INJURY:** On September 29, 2003, Plaintiff alleged that Defendant failed to stop for the stop sign at the intersection of Commerce Parkway and USA Today Way in Miramar. Defendant admitted liability but claimed that the accident was not the legal cause of loss, injury or damage to Plaintiff.

**NATURE OF INJURY:** Bulging disc and permanent musculoskeletal injury to cervical and lumbar spine; no surgery. Plaintiff maintained that the back injury was permanent and left her unable to enjoy life and severely limited her future earning capacity as a chemist. Plaintiff claimed to have sustained \$ 11,000 in past medical expenses and \$ 30,000 in pain and suffering. Plaintiff was treated in the emergency room where an injury to the back and left knee, with severe bruising and evidence of trauma were documented. Plaintiff's treating physician, Dr. Perez, opined that Plaintiff had a 5% impairment rating. Dr. Perez based his entire opinion regarding permanency on the AMA guidelines and Plaintiff's continued abnormal physical exams in conjunction with continued problems. Dr. Stein testified that Plaintiff had no objective findings to substantiate her subjective complaints and that although she did have crepitus in the left knee, it could have been pre-existing.

**PLAINTIFF EXPERT WITNESSES:** Guido Perez, M.D., Internal Medicine, Miami

**DEFENDANT EXPERT WITNESSES:** Jay Stein, M.D., Orthopedic Surgery, Miami Shores

**EDITOR'S NOTE:** The jury found that Defendant's negligence was not the legal cause of damage to Plaintiff. Defendant served a proposal for settlement which now entitles Defendant to attorney's fees and costs. Plaintiff demanded policy limits prior to trial.