

TASHIKA MARSHALL vs. LARISSA NAISHA DURAND

Docket No.: 05-14143 CA 27; FJVR Reference No. 06:12-29

Verdict Date: **September** 18, 2006; Publication Date: **December** 2006

TOPIC: Motor Vehicle Accident - Rear-end Collision - Passenger Injury

RESULT: \$ 18,500 for Plaintiff. (verdict)

(medical expenses).

STATE: Florida

COUNTY: Miami-Dade

JUDGE: Maria Espinosa-Dennis

PLAINTIFF PROFILE: Age: 22

Sex: Female

Occupation: Wal-Mart Greeter

PLAINTIFF ATTORNEY: Richard Doherty, Miami

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

CAUSE OF INJURY: On June 12, 2002, at approximately 2:48 p.m., Plaintiff was a passenger in a vehicle stopped at a red light on N.E. 8th Street in Homestead when it was rear-ended by Defendant's vehicle. Plaintiff alleged that Defendant had been following too closely and because of the rain slick highway Defendant negligently failed to stop causing the impact with Plaintiff's vehicle. Plaintiff stated that she was sitting sideways in the passenger seat and the impact caused her to violently slam her shoulder into the seat and simultaneously twist her neck and back. Defendant's vehicle was deemed a total loss. Defendant admitted liability, and the case was tried solely on the issues of causation and damages.

NATURE OF INJURY: Injuries to lower back and right leg; neck and back sprain/strain.

PLAINTIFF EXPERT WITNESSES: Felix Chionfong, M.D., General Practice, Miami

DEFENDANT EXPERT WITNESSES: Rafael Fernandez, M.D., Orthopedic Surgery, Miami

EDITOR'S NOTE: The jury found that Plaintiff did not sustain a permanent injury within a reasonable degree of medical probability as a result of this accident. The jury was also asked to make a determination as to whether Defendant was entitled to a \$ 10,000 set-off for the "payable" PIP benefits and did not award the set-off because none of the PIP benefits had been paid. A motion to enter the \$ 10,000 set-off is pending as Plaintiff had assigned her PIP benefits prior to trial.