

Case lawyer: Samuel T. Hill, Hill Longello, Fort Lauderdale

WARD CIRCUIT COURT
finds injuries
related to rear-ender

Jury found a woman's claimed injuries were unrelated to a crash in January 2007.

Beverly Watkins, then 44, was rear-ended by Corrado. Corrado had cervical herniations requiring anterior discectomy and

Watkins conceded liability, but defense counsel argued it was a speed impact and the plain-alleged injuries were unrelated to the crash. Defense expert testified the force of the crash would not have caused the injuries and that films of Corrado's spine showed pre-existing spondylolyses.

Corrado v. Watkins
No.: CACE 08-004954 (02)

Plaintiff lawyer: Law Offices of William C. Ruggiero, Fort Lauderdale

Defense lawyers: Steven R. Minsky and Eric C. Sage, Mitrani Adamsky & Toland, Miami

WARD CIRCUIT COURT
injuries caused by phone
results in \$14.4M award

Court awarded \$14.4 million to a woman who was injured in a car crash with a driver on his phone.

In 2007, Glen Kroeger, then 50, was driving his van in Melbourne when Christopher Bevis struck his van head-on. Bevis was convicted of reckless driving for using his phone while behind the wheel. Bevis did not appear at the civil trial, and a default judgment was entered.

Kroeger fractured his left humerus and crushed his left ankle. Bevis suffered a traumatic brain injury causing difficulties with walking. He claimed he can no longer work and requires daily assistance. The court awarded Kroeger \$10.4 million in damages and awarded his wife \$4 million for consortium.

Kroeger v. Bevis
No.: 2007-CA-015242
Plaintiff lawyer: Paul E. Bross, Bross Thomas & Savy, Merritt

Defense lawyer: None reported

Attorney attains \$2.14 million for injured cruise-line steward

Case: Virginia Walton v. Royal Caribbean Cruises

Case no: 08-10850-CA-27

Description: Negligence
Filing date: Feb. 28, 2008

Trial dates: Oct. 6-18, 2010

Jury award: \$2.14 million

Judge: Miami-Dade Circuit Judge Maxine Cohen Lando

Plaintiff attorney: Brett Rivkind, Rivkind Pedraza & Margulies, Miami

Defense attorneys: Curtis Mase and Thomas Briggs, Mase Lara Eversole, Miami

Details: It was the end of a routine voyage aboard Royal Caribbean's *Rhapsody of the Seas* in May 2005 when cabin steward Virginia Walton had an accident that would change her life. She was reaching up for a heavy suitcase stacked high on top of others. When the luggage came swinging down, the bag struck the Nicaraguan crew member's right knee, causing a jolt of pain.

Plaintiff case: Walton didn't report the incident to the ship's doctor for six months. When she did, the doctor sent her to a company-paid orthopedic specialist on the Mexican island of Cozumel, who told her the cartilage in her knee was starting to wear away. In response, the doctor gave her pain medications and authorized her to return to work. She said she ignored her knee pain as best she could while working half-day shifts seven days a week.

She was aboard Royal Caribbean's *Freedom of the Seas* during its maiden voyage in June 2006 when the pain became unbearable. She went to another company doctor, this time in her home country's capital of Managua, where she received several examinations and began physical therapy. In 2007, Dr. Luis Gutierrez-Quant performed two operations — one that failed to improve Walton's condition followed by a knee replacement.

Displeased with the outcome — she'd lost the use of her knee at age 44 — she sued the cruise line the next year. Months later, the company ceased treatment.

Walton's attorney, Brett Alan Rivkind, contended company negligence and haste created an environment that caused Walton's incident, and the cruise line's doctors wrongly told her to return to work.



J. ALBERT DIAZ

Brett Rivkind of Miami's Rivkind Pedraza & Margulies won his client's case against Royal Caribbean.

Walton also accused the Managua doctor of incorrectly performing the surgeries, making her injury worse.

To her advantage, the doctor had videotaped the first procedure. Rivkind used South Miami orthopedic surgeon Jorge Cabrera as an expert witness to analyze the other doctor's performance, which Cabrera deemed terrible.

He testified before jurors that Walton was not even a candidate for knee replacement surgery. He also said the Nicaraguan doctor performed worse than a novice. His sloppiness with a tool burned and damaged healthy cartilage.

Defense case: Aventura orthopedic surgeon Dr. Jerry Sher testified as an expert witness for the cruise line that the video showed the Nicaraguan doctor operated properly.

Royal Caribbean attorney Curtis Mase maintained the damage done to Walton's knee was from osteoarthritis, not her on-the-job injury. The company stated her duties — those performed by hundreds of other crew members daily — are not as strenuous as her attorneys claimed.

The cruise line also questioned whether Walton truthfully reported how she hurt her knee. She had signed a statement saying the damage had occurred years earlier, not months. The company noted the initial incident was not reported promptly and maintained it provided Walton with care every step of the way.

Outcome: The jury awarded \$2.93 million, deciding the cruise line was 73 percent responsible and attributing the rest to Walton, leaving her with a \$2.14 million award.

Quote: "The cruise line didn't care much about this long-term employee. They sent her home to Managua and didn't keep an eye on the medical care she was receiving. They simply shipped her off to Managua for cheaper medical care and treatment instead of sending her to Miami," Rivkind said.

Post-verdict: Mase filed a motion for new trial. If the court doesn't grant it, the company will appeal.

— Jose Pagliery