

MOTOR VEHICLE

Rear-ender Motor Vehicle Truck Motor Vehicle Tractor-Trailer

Plaintiff fractured pelvis in

rear-ender with tractor-trailer

Verdict \$1,793,000

Case Indranie Sanichar v. Thomas C. Beasley and APS Express, Inc., No. 8: 06-cv-00226-TBM

Court U.S. District Court Middle District of Florida, Tampa Division, FL

Judge Thomas B. McCoun, III

Date 4/5/2007

Plaintiff

Attorney(s) Wil H. Florin (lead), Florin Roebig P.A., Palm Harbor, FL

Thomas D. Roebig, Jr. (co-lead), Florin Roebig P.A., Palm Harbour, FL

Robin Mary Orosz, Florin Roebig P.A., Palm Harbor, FL

Defense

Attorney(s) Douglas M. Fraley, Molhem & Fraley P.A., Tampa, FL

Facts & Allegations On May 4, 2004, plaintiff Indranie Sanichar, 30s, a computer programmer, was riding in a sedan northbound on Interstate 95 when she was rear-ended by a tractor-trailer driven by Thomas C. Beasley. The impact of the crash sent the sedan off of the road into a tree. Beasley was delivering oranges for his employer; APS Express Inc., St. Petersburg. The driver of the car in which Sanichar was riding, settled his claim separately from this case. Claiming injuries, Sanichar sued Beasley and APS for negligent operation of a vehicle.

The defendants admitted liability and the trial proceeded on damages.

Injuries/Damages fracture, pelvis; hardware implanted; plate; post-traumatic stress disorder; screws

Sanichar suffered a fractured pelvis, which required surgery that included the implantation of screws and a plate.

She was hospitalized for around 17 days. When the pelvis fractured, some ligaments became damaged which affected her bladder. Sanichar consequently suffers from urine discharge and has to wear pads. Sanichar claimed \$20,000 in unpaid medical bills.

No lost wages were claimed. Plaintiff's counsel stated that Sanichar's injuries prevented her from partaking in specific hobbies she enjoyed such as travel, skiing and horseback riding.

Neil Watnik, plaintiff's expert in orthopedic surgery, said that Sanichar will suffer from arthritis. He added that the hardware in Sanichar is already loosening and she will need future surgery.

Defense counsel argued that Sanichar is making an excellent recovery from the hip surgery and no future complications could ensue. Sanichar could have surgery to fix her bladder problem, but so far has decided against it. Result The jury awarded Sanichar \$1,793,000 million.

Indranie Sanichar \$1,100,000 past and future pain and suffering

\$693,000 past and future medical expenses

\$1,793,000

Demand \$1 million policy limit

Offer \$800,000 while the jury was deliberating

Insurer(s) Canal APS Express, Inc.

Trial Details Trial Length: 4 days

Trial Deliberations: 6 hours

Jury Vote: 7-0

Jury Composition: 6 female, 1 male

Plaintiff

Expert(s) Neil F. Watnik, M.D., orthopedic surgery, New Hyde Park, NY

Defense

Expert(s) Thomas G. DiPasquale, M.D., orthopedic surgery, Tampa, FL

Editor's Note This report is based on information provided by plaintiff's counsel. Defense counsel declined comment.

Stephen DiPerte