



Mary Jane and Joe Scotti with their daughter and grandchildren.

Hospital Fails to Protect Visitors

By the year 2000, Mary Jane and Joe Scotti had been married for over thirty years and had retired to Florida. They devoted time to their church, raised their seven-year-old granddaughter, Chelsea, and enjoyed spending time with their other three grandchildren. In April 2000, Mary Jane learned that a young girl was in critical condition after a terrible car accident. Upon hearing the story, she felt compelled to visit and support the family in their time of need.

Mary Jane was visiting the family of the injured girl at Hospital X on the night of April 12, 2000. As she left the hospital, she noticed that the area leading to the parking lot was extremely dark and the sidewalk was bordered by hedges. Fearing for her safety, Mary Jane walked to her car on the blacktop driveway instead of using the sidewalk. Due to the insufficient lighting in the area, Mary Jane was unable to discern the difference between the surface of the asphalt driveway and the sidewalk curb. She tripped and fell over the curb, suffering a fractured shoulder. Mary Jane

required surgery to repair and partially replace her shoulder, and then endured months of extensive rehabilitation and physical therapy.

Mary Jane and Joe sought the assistance of attorney Jack Scarola, who then sought assistance from attorneys Darryl Lewis and Sia Baker. Hospital X vehemently denied responsibility for Mary Jane's injuries, taking the position that she simply wasn't watching where she was going. Mr. Lewis and Ms. Baker, however, were able to establish evidence of numerous lighting deficiencies in the hospital's parking lot. In fact, the on-duty security guard testified that he knew the parking lot was dark because the light in the area had not functioned in over eight months. In addition, numerous other witnesses testified that they too avoided the sidewalk due to the dimly lit area. Eventually, Mr. Lewis and Ms. Baker were able to establish that the hospital's maintenance department was aware of the lighting deficiency, but failed to remedy it, thereby placing the hospital's visitors at risk. After litigating the case for quite some time, Mr. Lewis and Ms. Baker settled the case just prior to trial for \$225,000.

Man's Leg Crushed By Heavy Equipment

In February 2000, Bruce Vernooy, age 49, agreed to assist his nephew with the removal of a CT scanner from Jackson Memorial Hospital in Miami, Florida. A company called Dynamic Imaging of California had hired Mr. Vernooy's nephew to dismantle the CT scanner so that it could be transported to California for refurbishing. Dynamic Imaging also hired North American Van Lines to transport the CT scanner. A company called Molina Towing was also contacted in order to assist in the loading process. Molina was hired to place the CT scanner on the back of one of its flatbed trucks, and the CT scanner would then be transferred to the North American Van Lines trailer.

North American Van Lines, by agreement, was to hire a sufficient number of personnel to load the CT scanner, which weighed in excess of three tons. Unfortunately, North American Van Lines failed to arrange for the additional personnel needed. Consequently, on the morning of the planned move, the driver of the North American Van Lines tractor-trailer asked for assistance from Mr. Vernooy and his nephew in loading the CT scanner.

Once the CT scanner was placed on the back of Molina's flatbed truck, it was secured there by two connecting cables. However, unbeknownst to Mr. Vernooy, the cables securing the scanner were unhooked during the process of transferring it from the back of the flatbed onto the trailer. The scanner rolled forward, crushing Mr. Vernooy's lower leg as he stood behind the machine.

Continued on page fourteen.

Profoundly Handicapped Woman Awarded Millions for Years of Abuse

(Continued from page five.)

On March 29, 2000, the jury returned a verdict of \$8 million for four separate violations of Kimberly's rights, the largest verdict ever under Florida's Bill of Rights statute. Specifically, the jury awarded \$5 million for economic damages and \$3 million for Kimberly's mental pain and suffering and other non-economic losses.

Florida Statute 768.76 provides for sovereign immunity protection for governmental/municipal entities such as the DCF. A claim brought by a single individual is capped under this statute at only \$100,000 per occurrence, regardless of the severity of the damage done. Given the capped exposure afforded by this statute, the Department was required to pay \$100,000 per occurrence, or a total of \$400,000 for the four separate violations found by the jury. The Governor's office, however, initially took the position that DCF should only pay \$100,000. In order to obtain payment in excess of the \$100,000 single-occurrence cap, Mr. Block filed a Petition for Writ of Mandamus. After a hearing on that issue, the per occurrence limits of \$400,000 were finally paid by the state.

In order to seek payment of the remaining \$7.6 million awarded by the jury in this case, a claims bill was subsequently filed in the Florida Legislature. Bill sponsors included Senators Ken Pruitt and Al Lawson, as well as Representatives Nancy Argenziano, Gaston Cantens, Richard Macheck, Sandy Murman, Ann Gannon, and Susan Bucher. A two-day long legislative hearing was held before House and Senate Special Masters, who issued a recommendation that only \$2.6 million be paid to Kimberly's guardianship. The Governor's office and DCF officials, including then Secretary Kearney, intensely lobbied legislative leaders behind the scenes, urging them to either not fund or only partially fund the Godwin claims bill. However, a committed legislative contingency, combined with favorable media coverage and numerous editorials, helped persuade the legislature to vote overwhelmingly in favor of the bill during the 2002 session, and Governor Bush signed the bill into law.

The bill, as passed, provided for a present value structured settlement of the entire \$7.6 million balance owed on the judgment. Unfortunately, Mr. Block ran into roadblocks from the legal staffs of the Comptroller and Attorney General, and the Comptroller refused to execute the necessary documents to formalize the terms of the structured settlement. Once again, an action seeking a Writ of Mandamus was filed in order to require the Comptroller, on behalf of the state, to execute the necessary documents. Two hearings were held in the fall of 2002 before an agreement was finally reached. In December 2002, Jimmy Godwin, as his daughter's guardian, signed a structured settlement agreement with Chief Financial Officer Tom Gallagher, who signed on behalf of the state. Kimberly Godwin's entire verdict was therefore paid and her case was concluded after almost eleven years of litigation.

Man's Leg Crushed By Heavy Equipment

(Continued from page nine.)

Mr. Vernoooy underwent multiple surgical procedures, including an internal/external fixation of fractures of both bones in his lower leg. He sustained a permanent impairment to his badly injured leg and was rendered unable to work any longer as a heavy equipment mechanic.

Mr. Vernoooy retained Jack Scarola and William King to prosecute a case against the responsible parties. Suit was initiated against North American Van Lines, Dynamic Imaging, Molina Towing and the drivers of the two trucks involved. The case was eventually settled for a combined sum of \$775,000.

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY PA *Attorneys at Law*

PERSONAL INJURY/WRONGFUL DEATH
MEDICAL MALPRACTICE
PRODUCT LIABILITY
AUTOMOBILE ACCIDENTS
COMMERCIAL LITIGATION
AIRLINE & RAILROAD DISASTERS

*For 25 years, a tradition of...
taking Time to Care
...in the profession,
in the community.*

2139 PALM BEACH LAKES BLVD.
WEST PALM BEACH
800-780-8607

THE TOWLE HOUSE
517 N. CALHOUN ST.
TALLAHASSEE
888-549-7011

WWW.SEARCYLAW.COM