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THURSDAY, AUGUST 25, 2011

Attorney wins \$1.7 million verdict for family of stab victim

Case: Roger Hall Sr. et al v. The Village Group International, Royal Palm Park West, Apache Security Consultants

Case no: 06-15038-CA-10

Description: Negligent security

Filing date: Aug. 1, 2006

Trial dates: July 11, 2011

Jury award: \$1.7 million

Judge: Miami-Dade Circuit Judge Peter Lopez

Plaintiff attorney: Nicholas Gerson, Gerson & Schwartz, Miami
Defense attorneys: Not represented

Details: During Memorial Day weekend 2006, about 2,000 people squeezed into the Miami nightclub Metropolis Downtown, which became infamous for an unruly crowd and a spate of armed brawls.

It was 4 a.m. Monday when a fight broke out near the back of the club during a rap performance, shots rang out, and a frightened crowd descended into chaos. In the midst of it all, Roger Hall Jr., 22,



it could not be held responsible for what occurred that night.

Royal Palm was defended during much of the litigation by Fort Lauderdale attorney Loren Gant of Fulmer LeRoy Albee Baumann, who represented the owner's insurer, Essex.

"The tenant's responsible. The landlord just owned the dirt," she said in an interview Wednesday.

In January, the insurance company's Miami lawyer Carol Fenello cited an assault and battery exclusion in its policy, and the judge allowed the insurer to pull out of the case. Gant withdrew as counsel and was not replaced.

Outcome: During mediation Jan. 26, Apache agreed to settle with the family for \$160,000, Gerson said.

During the one-day jury trial July 11, the Village Group settled with the family for \$25,000 personally guaranteed by Armando Fernandez and his brother, who both lead the company, Gerson

MOTOR VEHICLE

BROWARD CIRCUIT COURT
Jury finds neck injuries unrelated to crash

A jury found a rear-end collision was not to blame for a woman's neck injuries.

In 2008, Shari Campbell, then 32, was struck by Gloria Tobon. She claimed herniated cervical discs requiring chiropractic care, physical therapy and steroid injections.

Defense counsel argued the alleged injuries were unrelated to the crash, which was allegedly so minor that it did not even dent the front plate of Tobon's car. The attorney also noted Campbell did not make any injury complaints at the scene and only made minimal complaints several weeks later. Defense counsel contended Campbell's condition was caused by a degenerative disc disease and an incident where a television fell on her after the accident and before her first MRI.

Case: Campbell v. Tobon

Case No.: 09-050352

Plaintiff lawyer: Justin C. Leto, Leto Law Firm, Miami

Defense lawyer: David M. Goldstein, Marcos Rothman Scharf Valdes Nguyen & Goldstein, Hollywood

MIAMI-DADE CIRCUIT COURT