

The Road To Justice Starts Here



ANATOMY OF OUR most recent trial victory

By Attorney Todd Curtin

I recently had the pleasure of trying a car accident case in Polk County, Florida. This was a car accident case where I was brought in by another law firm specifically to help them try this case. It was a difficult car crash case that occurred July of 2021, in Polk County, and the case had significant liability issues and numerous causation issues. So, we had our challenges. But despite the same, we were able to prevail in this case, and obtain a significant verdict for our client. Here is how we did the same.

Our client, a female in her mid 30s, was a passenger in a motor vehicle operated by the defendant driver in Haines City around 2am. Defendant driver was driving down a two-lane road, one lane in each direction. As Defendant was approaching an intersection with standard traffic lighting, it opened into three lanes – a left turn lane, a through lane, and a right turn lane. The Defendant was approaching the intersection with the intention of driving straight through it. When she approached the intersection, she was behind a motor vehicle operated by a non-party driver.

This is the part where three different stories are told. Defendant driver said once she got close to the intersection to go straight through it, a non-party driver got into the far-right lane and abruptly made a U-turn in front of defendant driver before the intersection to go back the other direction. The non-party driver testified she got into the far-left lane to make her intended U-turn, at the light, and was impacted by defendant driver which turned her car around 180 degrees. Our client said the non-party driver began to veer to the right when it opened into three lanes and defendant driver accelerated and rear-ended non-party motor vehicle.

Our client's version had a little bit of both drivers' recollections, and the property damage was consistent with our client's version of the defendant driver rear-ending non-party driver based on front right bumper damage to defendant driver vehicle and back left bumper and rim crush damage to non-party vehicle.

Our client self-reported to the hospital the same day with neck and whole left side pain. No back pain noted. The client had chiropractic care/treatment, MRIs cervical/lumbar, pain management care/treatment, and a two-level cervical fusion by Dr. Razack. Dr. Razack opined she is a candidate for a future lumbar microdiscectomy.

Our client also had numerous prior accidents, including 3-4 prior falls with one fall striking her head resulting in a ruptured ear drum. She was treated by an orthopedic for a shoulder injury and neck pain within a year of the crash.

As all trials do, we began this trial with Jury Selection. This process took over 1.5 days. We did not get a panel until after lunch on Tuesday. Thankfully, we started with 40 jurors. After an hour, the Judge told us he had 20 more jurors ready to go. We asked after lunch if we could work through the new jurors first and then combine the two panels in the afternoon. Judge agreed. We talked about all the hot topics - insurance rates, PI cases, large verdicts, billboard lawyers, economic/non-economic damages etc.

We had a tough time with one juror – a trucking company executive. Day one he said he had no problem being fair and impartial on numerous topics. Our team did a great job locating one of his social media accounts where he liked HB837 and a picture of the Governor signing the bill. The next morning, it was our goal to get to him out of the gate. We asked the panel if anybody knew about the recent tort reform. Everybody knew about insurance rates rising but sadly, only one person knew about the tort reform, and guess who - the trucking executive. I asked him about his thoughts and feelings on it, and he stated the reform was due to "these types of cases". Eventually he agreed he wouldn't be a good fit for the case. The defense didn't agree to a cause challenge, but the Judge did the right thing and struck him for cause.

We had just enough jurors to get a panel with 2 alternates. The jury consisted of 6 females ranging in age from 20s-70s. Two were nurses; I was disabled and used a walker. One juror was a stay at home wife. We had concerns but we were confident we did the best we could at that time.

Then came Opening Statements. I truly believe after opening statements the jury had made their decision and moving forward is all about arming the jurors on our side. In opening, we advised we did not think defendant driver was 100% at fault for the crash, but advised the jury we believed the

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nunca es tarde

Por Juan Jose Rodriguez, Abogado de Enlace



Recientemente fui invitado a la graduación de MIZPA Christian University. En esta ceremonia se me otorgo el honor de decir unas breves palabras a los graduandos, en donde enfatice que nunca debemos olvidar nuestras raíces, y respetar a todos, y no importando cuantos triunfos obtengas en tu vida, el acordarte de donde Dios te sacó, debería siempre estar presente en tu mente y demostrarlo con tus acciones.

En esta ceremonia note algo interesante; la gran cantidad de adultos de mediana edad y hasta de la tercera edad obteniendo sus títulos. Esto es de admirarse, y nos demuestra claramente que nunca es tarde para regresar a estudiar, o hasta iniciar un negocio. Puedes alcanzar tus sueños con la ayuda de Dios, no importando tu edad.

Una de las historias verídicas que mas me llaman la atención es de un señor que se retiró a la edad de 55 años, que antes era la edad para retirarse y devengar un cheque del seguro social de \$105 al mes, el equivalente de \$1,000 por mes en el día de hoy. Pero este individuo no se sentó en su casa a descansar y esperar hasta que le llegara la muerte. Se acordó que cuando preparaba pollo en la gasolinera que trabajaba antes de jubilarse, los clientes se chupaban los dedos con deseo de comer más. Por lo tanto, fue a visitar restaurantes y gasolineras con la esperanza que le vendieran sus presas de pollo y que a cambio le dieran 5 centavos por cada una. Los libros de historia nos dicen con exactitud que este individuo visitó 1,009 restaurantes, antes de encontrar uno que hiciera negocio de vender los pollos que cocinaba. Él tenía la edad de 65 años al lograr su primer acuerdo de negocios. Este individuo fue el coronel Sanders, el fundador de Kentucky Fried Chicken (KFC). Para hacer la historia corta, al vender las franquicias en el 1964, se hizo multimillonario y disfruto los resultados de sus esfuerzos hasta que murió a la edad de 90 años. Hoy en día este restaurante esta presente en 123 países, con más de 20,000 establecimientos de comida rápida.

También La Biblia nos da muchos ejemplos de perseverancia y valentía a edad avanzada. Para mencionar algunos, Abraham tenía 100 años cuando nació su hijo ISAAC – Génesis 21:5. Moisés tenía 80 años cuando fue llamado a ser líder de los hebreos de su éxodo de Egipto y más o menos José tenía alrededor de 70 años cuando fue nombrado sucesor de Moisés, y dirigió a los Israelitas a entrar y conquistar la tierra prometida.

Si usted está leyendo este artículo, y tiene sueños y metas que usted piensa es muy tarde para lograrlas, le insto a que busque dirección de Dios y leíste sobre tener ánimo y esforzarse, ya que, con Dios por delante, no hay metas que no se puedan alcanzar. NO permita que la edad sea un contratiempo, sino al contrario, que sea una motivación para alcanzar lo que usted siempre anhelo, pero las circunstancias de la vida no le permitieron hacer cuando era joven. **“Mira que te mando que te esfuerces y seas valiente, no temas ni desmayes, porque Jehová tu Dios estará contigo dondequiera que vayas.” Josué 1:9**

Que Dios te continúe bendiciendo. ■

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defendant driver was a majority at fault for the crash because if she was not tailgating, passing, and accelerating through the intersection this was preventable and the defendant driver was in the best position to avoid it all. We did not want to lock in percentages at that time because we wanted to see how the defendant driver and our client would do on the stand. But we made it very clear the defendant driver was not 100% at fault.

Defense Counsel said the non-party driver was 100% at fault and her client could not have done anything to avoid the crash. After, I sincerely believe we gained credibility points, and our horse got a great lead out the gate.

Order of Witnesses – this is where strategically we felt we could continue to gain ground before getting into liability issues and putting our client on the stand. We went right into damages, damages, and more damages and after we called 2 of the Defendant's 3 witnesses in our case.

We wanted to start with a live witness. We first called our client's pain management doctor, followed by the treating radiologist, and then followed by the neurologist who performed her surgery. Then we threw a wrench in their plan. We called their the Defendant's expert doctor, who was by video, and whom we already knew what he was going to say. He showed up to his deposition wearing scrubs but had not treated a patient in years. Typical stuff – he said our client did sustain an injury but after a few months it should have gone away. The key however and why we called him out of turn, was to get ahead of our client's priors before she was cross examined.

We got the defense expert doctor to admit that our client had no signs of trauma to her neck or back before the crash. No signs of permanent injuries to her neck or back before the crash and no signs of any permanent injuries before crash. We were able to expose the lack of information he had in making his causation opinions. We were able to show his bias based on him being disclosed as an expert on the docket before ever receiving a letter of intent from the prior defense firm. He never knew our client's name until a month after he was disclosed. The defense fought hard to redact this portion of the video, but the Court got the ruling right. It was a very entertaining cross and we could see the jury saw right through his game.

We felt good about our start, and I am sure the defense knew it as well. So, in response, in the middle of the night, after midnight, defense counsel filed a notice of intent to use impeachment materials because our client was taking the stand the next morning. Basically, the defense wanted to bring new evidence that had not been produced in pretrial discovery. We successfully stopped them from doing the same via a hearing the next morning.

After having that issue heard, we called the defendant driver. As suspected, we thought the defendant driver would be unprepared at that time. We gave her a chance to tell her story, uninterrupted. Then impeached her on inconsistencies from her prior deposition. On cross by defense counsel, the defendant driver alleged this was a T-bone style crash. That was a big mistake, on re-direct, we were able to attack the credibility of her version of T-bone style crash based on the property damage photographs. At this time, we knew we had a strong lead to call our client.

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a huge victory AND A GRADUATION

By: Attorney Michael T. Gibson

It was a month of milestones in the Gibson house this past month. First off, our oldest, Brady, graduated from middle school. It seems like just yesterday he was entering middle school. The Covid years threw a huge wrench in our original plan for him for this time, but Brady persevered through it all. He returned to his middle school this year, after two years of virtual school, and he thrived. He received two awards at graduation. One for having straight A's throughout all of middle school, and one for having the highest grade in Algebra, where he was one point shy of a perfect score in the class. He will start high school in the fall at Winter Park High, and he has already begun looking towards college, where he hopes to play hockey. We are so proud of all he achieved this past year, Brady manages 2-3 hours a day in the gym or on the ice for hockey training, and an advanced courseload in school. He is excelling at both due to his hard work and relentless dedication. And then there is Eme, who also returned to regular school this year, and also got straight A's. She was given special recognition for reading over 5000 pages this year. In addition to her schoolwork, she joined a competitive dance team, and has been competing in regional and national dance competitions over the spring. In only her fourth competition, Eme won for her solo dance. I included a pic in here of her with Jen following the win. Jen will get mad at me for this pic, but I think it is one of the most beautiful pics of her I have, as it shows the raw emotion and love that both of them poured into this endeavor, as both were in tears following this win. Eme is not the competitive animal that Brady is. In fact, she was upset her friend didn't win and she did. But all of us were so happy to see her hard work rewarded. She has spent hundreds of hours practicing her solo, and the improvement throughout the year was noticeable, even to me who knows nothing about dance. Jen and I are so proud to see them excelling in the classroom, and at the activities they love. The passing of each school year is a reminder that their childhood goes by fast, and we try to celebrate and savor these moments. ■

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The client did very good. Client did a great job owning all her priors. Defense counsel crossed her for over an hour on all her priors and cherry-picked her prior records to create doubt with the jury. On re-direct we went back through these records. Showing them in context really brought it all home and I think inflamed the jury before Defendant's case was presented.

Defendant then presented the video deposition of their radiologist. At the end of the day, he admitted our client had herniations in cervical and lumbar spine. And admitted she had a herniation in lumbar spine that was more consistent with trauma. I think the defense got too technical with his direct examination, lost the jury, but our cross was simple - the herniations are there, potentially due to trauma, and they are not going away.

We got to closing arguments on Friday morning. I used an analogy in explaining the burden of proof in a civil case and how the mudfish defense does not work in a civil case. I thought it would be fitting for Polk County and it was. When I looked at the jury, I said do you know what happens when a mudfish is about to get caught, a juror in the front row yelled out “they dive to the bottom!”. This was the first time I ever had a juror answer a question in closing! That was cool and a confidence boost.

Defense counsel argued in closing 100% on non-party. Then presented the typical fallback position that if you find some fault on defendant-driver only find 1% and 99% on non-party driver. And told the jury, if you do, award only 2-3 months of medical treatment post-crash.

This was a big mistake. On rebuttal, we argued this was the very first time the defendant offered to pay one penny for medical bills all these years later. At this point, the goal was to arm our favorable jurors and to remind their fellow jurors of their oath, to solely weigh the evidence and follow his honors instructions.

The Jury was out for almost five hours. The jury asked one question – can we have a calculator? At our request, the Judge went to look for the biggest calculator he could find in the Courthouse. The one his Clerk had was too small. He came back after several minutes and confirmed that was the biggest calculator he could locate in the building. It was a heroic effort!

Lesson learned – make sure you always have the biggest calculator with you in trial!

Verdict: 50% Defendant Driver 50% Non-Party Driver
Medical past – \$301,249.38 (every penny we asked)
Medical future – \$100,000.00 (about 40k more than we suggested)
Pain and suffering past – \$225,000.00
Pain and suffering future – \$300,000.00
Total Verdict– \$926,249.38

Keep in mind, that in this case, the insurance company for the Defendant had only offered our client a few thousand dollars prior to trial.

The insurance companies might have tried to make it harder for our clients this year, but if we continue to fight for our clients, we will always be on the right side of justice. This trial proves to me that we are right in that line of thinking. ■

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THE AUTO JUSTICE COMMUNITY

Bishop Rev. Jesus M. Lopez

By: Attorney Michael T. Gibson



Rev. Lopez was born on December 24, 1942 in Humacao, a picturesque town on the east coast of the island of Puerto Rico. He completed his secular studies in Business Administration and Accounting at the University of Puerto Rico in Humacao. He also completed other studies at the Interamerican University in Public Relations, and studied theology at the World Mission College, obtaining a Bachelor's Degree in Theology at the Pentecostal University MIZPA, and other studies in Bibliology at the Evangelical College in Puerto Rico.

On August 3, 1964, he married Sister Honora Castro, and the Lord blessed them with two children: Nitza M. López and José López.

His life was completely transformed when he embraced faith in Christ. His pastoral ministry began in Puerto Rico, with the Organization of Christ the Missionary Churches, where he was sent to the town of Fajardo, and Maizales in Naguabo. Then, he transferred to the Organization of the Church of God Pentecostal International Movement in Puerto Rico and exercised his calling in the town of San Lorenzo and in Rio Blanco, Naguabo.

At the end of the 1990's, God brought him to Florida, and he retired from his secular work of the Banco Roig of Puerto Rico to work as President of Missions in the Central District, and to pastor with the Organization in the Church of the Powers in Pine Hills and Wetherbee and, finally, in Clermont.

He was then elected to work in and of the Assemblies. He was elected as a member of the Regional Executive Committee, in several positions, including Treasurer. He also worked for a year in the vice presidency. During this time, he has continued to travel to different churches preaching, orienting, pastoring transitionally and in other special assignments of the Executive Committee. In all of these positions, he has carried out his work with diligence and commitment.

That is why we wish to recognize and honor Rev. Jesus M. Lopez for his excellent work and dedication to the service of the Lord's work and to the Church of God Pentecostal International Movement in the Southeast Region, and we honor him as our AutoJustice Hero of the Month. ■

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