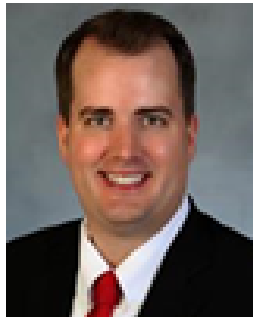


# Florida



## **Favorable \$7K Verdict against \$450K Demand - Shoulder Surgery Case**



**Jeffrey Benson**

Tampa Partner Jeffrey Benson, Esq. obtained a favorable verdict in a 4-day jury trial styled Bass v. Lorence. The Defendant side-swiped the Plaintiff and then fled the scene of the accident. After undergoing surgery, the Plaintiff planned to present nearly \$100,000 in medical bills to the jury. The Defense successfully limited the presentation to the actual \$35,000 medical costs (the amount paid by Medicaid) by keeping from evidence the amount billed to Medicaid. Additionally, the Defense showed that approximately \$21,000 of the \$35,000 was for “pain management” (Oxycodone). Confronted with the argument that the Plaintiff was attempting to finance an Oxycodone habit through a lawsuit, Plaintiff’s Counsel withdrew the “pain management” bill in the middle of trial, reducing the medical bills to approximately \$14,000. The jury found Defendant 50% at fault and Plaintiff 50% at fault for the accident. Luks Santaniello obtained a successful result when the jury awarded the Plaintiff \$6,964.59 for his past medical bills and found he was not permanently injured (despite surgery), which mooted the question of past or future pain and suffering under Florida’s threshold defense. Luks Santaniello has a motion pending to collect fees and costs pursuant to its Proposal for Settlement.