

ASSAULT AND BATTERY

BROWARD CIRCUIT COURT

Men allegedly beaten by bouncer awarded \$1.1M

Two men who claimed they were beaten by a Fort Lauderdale bouncer were awarded \$1.1 million.

Arif Tasoren and Okkes Koyuncu were at a bar when bouncer James Warrington, a former police detective, approached Tasoren from behind as he was talking to a young woman. He claimed Warrington put him in a chokehold and dragged him out the rear exit. Tasoren swung his beer bottle in an effort to break free, hitting Warrington. He claimed the bouncer then savagely punched and kicked him outside the bar and punched Koyuncu in the face. Tasoren underwent extensive reconstructive facial surgery, and Koyuncu suffered a facial fracture. Warrington never appeared at trial.

Case: Tasoren v. Warrington

Case No.: CACE04015647

Plaintiff lawyer: Eric S. Kleinman, Kleinman & Arrizabalaga, Miami

Defense lawyer: Not represented

PREMISES LIABILITY

BROWARD CIRCUIT COURT

Defendant not liable for resident's fall

A jury declined to award damages to a tenant who fractured his leg when he fell while moving furniture out of a triplex.

Michael Mullane claimed a hole in a grassy area caused his fall.

Defense counsel for Steven Howard noted the plaintiff did not present any photographic proof of the hole. Defense counsel also argued Mullane was carrying furniture and could have simply tripped on his own feet.

Case: Mullane v. Howard

Case No.: CACE09004584

Plaintiff lawyer: Samuel A. Coffey, Abramowitz and Pomerantz, Fort Lauderdale

Defense lawyers: Michael E. Brand and Jami L. Gursky, Cole Scott & Kissane, Plantation

MOTOR VEHICLE

MIAMI-DADE CIRCUIT COURT

Driver recovers for intersection crash

A driver who collided with a tractor-trailer in an intersection recovered \$300,347.

Edmund Gonzalo claimed he suffered a mild traumatic brain injury as well as a punctured lung, rib fractures, lacerations to his liver and head, and cracked teeth. Gonzalo, who was driving a sedan, and Fidel Acosta, who was driving the truck, both claimed they had the green light.

The jury found Gonzalo 60 percent liable and the defendants 40 percent liable, which reduced the \$500,578 award.

Case: Gonzalo v. Acosta

Case No.: 03-19680 CA06

Plaintiff lawyers: Alan E. Brady and Heather D. Witters, Brady & Witters, Fort Lauderdale

Defense lawyers: Jason Gelinas, Law Office of Jason Gelinas, Fort Lauderdale; Jessica Hazelkorn, Allstate Insurance, Fort Lauderdale

PINELLAS CIRCUIT COURT

Jury sides with defendant in parking lot crash

A jury declined to award damages to a woman who claimed multiple injuries in a parking lot collision.

Deborah Peterson claimed the crash caused bilateral carpal tunnel syndrome, temporomandibular joint disorder, hearing loss, lumbar disc bulges, and injuries to her knees, shoulders, neck and left hip.

The defense disputed the severity of Peterson's injuries and whether they were related to the accident, noting she was in another crash six weeks later. The defendants argued on the carpal tunnel claim that her experts ignored her assembly-line work for more than 16 years. At most, she may have suffered soft-tissue injuries, the defense argued.

Case: Peterson v. Teleflex Inc.

Case No.: 07-8576-CI-15

Plaintiff lawyers: Antonio R. Arnao, Antonio R. Arnao P.A., Clearwater; Patrick A. Davis, Patrick A. Davis P.A., Clearwater
Defense lawyers: Paul B. Fulmer III and J. Greg Giannuzzi, Rissman Barrett Hurt Donahue & McLain, Tampa

Attorney helps plaintiff obtain \$14.3 million in 'Rambo litigation'

Case: Allerd Charles Smith v. Effective Teleservices, a Florida corporation, and Dilip Barot, individually, and Creative Infocity Inc., as general partner of Creative Infocity Ltd.

Court: Palm Beach Circuit Court

Case No.: 50 2005CA006080

Description: Breach of fiduciary duty, fraud, breach of contract, breach of Family and Medical Leave Act

Filing date: June 29, 2005

Trial dates: Jan. 19-Feb. 3, 2010

Jury decision: \$14,267,363

Judge: Circuit Judge Thomas Barkdull Jr.

Plaintiff attorneys: Peter Feaman of Peter M. Feaman PA., Boynton Beach, and Richard Doran and Robert Clarke of Ausley & McMullan, Tallahassee.

Defense attorneys: Kevin Richardson of Clyatt & Richardson, West Palm Beach, and E. Cole Fitzgerald III of Fitzgerald Mayans & Cook, West Palm Beach

Details: In 2003, Smith and Barot bought a call center company in Texas called Effective Teleservices, a spin-off from BellSouth, where Smith had worked for many years.

Barot invested 90 percent of the funds. By 2005, the company was based in Palm Beach Gardens and had more than 1,000 employees, with offices in Texas and India.

In May 2007, according to the lawsuit, Barot fired Smith, who was the president of the company. Following the filing of the lawsuit, three mediations were conducted, but none led to a resolution.

Defendants also filed five appeals with the Fourth District Court of Appeal before trial.

During discovery, plaintiffs said they discovered mass e-mails were destroyed by the defense. Barkdull awarded monetary sanctions to the plaintiff in the amount of \$225,000 and ruled for the plaintiff on the issue of liability.

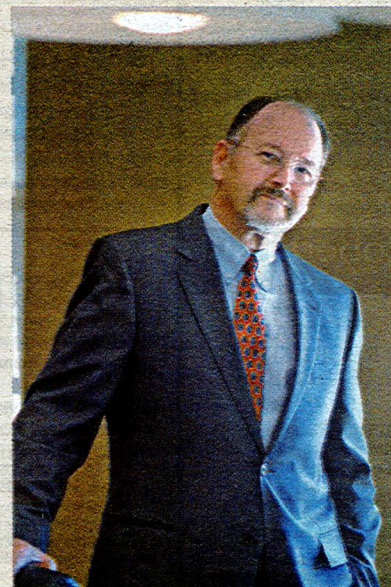
The case went to trial strictly on damages.

Plaintiff case: For expert witnesses, plaintiffs hired Zucker & Associates from Boca Raton to testify as to the value of the stock taken from Smith as well as other monetary damages suffered by Smith. Smith also took the stand.

Plaintiffs argued that Barot is worth \$100 million, but he claimed the true number is \$30 million.

Defense case: The defense hired valuation expert Barry Frankel of Atlanta, who testified that the value of Smith's lost stock was a few hundred thousand dollars.

Additionally, the company's in-house accountant, Ashok Kumar, testified that the value of the bonuses Smith claimed he was owed was inflated. Barot and company COO Matt Rocco also testified that the damages Smith claimed were not caused



MELANIE BELL

Peter Feaman of Peter M. Feaman PA of Boynton Beach represented Allerd Charles Smith in his suit against fellow investor, Dilip Barot. Smith also sued Effective Teleservices, claiming he was unfairly fired from the call center he and Barot bought in 2003.

by their conduct but by Smith's own performance shortcomings.

Outcome: After a day-and-a-half trial, the defense moved for a mistrial, claiming the judge showed bias against them in front of the jury.

The judge remained on the case but seated a new jury.

After a two-week trial, jurors returned two verdicts — one on punitive damages, for \$3.3 million, and one on the other damages.

The second verdict included \$5.4 million for breach of fiduciary duty, \$4.74 million for fraud, \$672,959 for violation of the Family and Medical Leave Act and \$154,118 for breach of the business agreement. The total damages were \$14.3 million.

Quote: "This was very, very hotly contested litigation," Feaman said. "I call this Rambo litigation. There were over 1,000 docket entries."

Post-verdict: Defense has hired an appellate lawyer, Larry Klein, a former 4th DCA judge, but no motions have been filed.

— Julie Kay

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