

Quadriplegia

Sami Barrak v. Report Investment Corporation, Inc. and Lil Abner's Corporation d/b/a Tootsie's Cabaret

Jury Verdict: \$102,714,734.09

On July 31, 2002, Sami Barrak was a patron at Tootsie's Cabaret, which was a tenant at the Sierra Shopping Center owned by Report Investment Corporation, Inc. After leaving the establishment, while sitting in his car, Sami Barrak was shot by an unknown assailant. He was shot in the neck and rendered quadriplegic. Sami is now ventilator dependent and resides in Tunisia. This was a five-week trial and the jury deliberated for one day and a half. The jury found that Report Investment was in possession and control of the property where Sami Barrak was shot and that the owner of the property had a duty to maintain its parking lot in a reasonably safe condition, commensurate with the activities conducted on the property in order to prevent harm to its business invitees. The jury also found that Tootsie's Cabaret was not a contributing cause of plaintiff's injuries and awarded Sami Barrak \$1,400,000.00 in past medical expenses, \$28,000,000.00 in future medical expenses, \$164,734.09 in past lost earnings, \$650,000.00 of future lost earnings, \$2,500,000.00 in past pain and suffering, and \$70,000,000.00 for future pain and suffering.

At trial, plaintiff called seven expert witnesses. Within one week after the verdict, plaintiff was able to settle the verdict for the total policy limits of \$26,000,000.00. This case was litigated by Manuel Epelbaum and Robert J. Dickman, Jr.

Douglas Birch, a minor, by and through his next friend, parent and natural guardian, Donna Birch, and Donna Birch, individually, and Basil Birch, individually, v. Miguel A. Albert, M.D., Miguel A. Albert, M.D., P.A. and Hialeah Hospital, Inc.

Jury Verdict: \$18,376,250.00

Donna Birch was an obstetrical patient of Dr. Miguel Albert. Donna Birch ruptured her membranes after thirty-two weeks gestation and was admitted to Hialeah Hospital for observation. She went into premature labor four days later and her baby was delivered by the nurses at the hospital. There was no obstetrical physician available at the delivery. Plaintiffs alleged that the defendant obstetrician, Dr. Albert, was negligent in failing to attend the delivery of Donna and Douglas Birch who were high risk patients, and further, claimed that the nurses at Hialeah Hospital were negligent because they failed to obtain an obstetrical physician to attend the high risk delivery. As a result of a mismanaged delivery, Douglas Birch unfortunately sustained extensive brain damage and has been diagnosed as suffering from cerebral palsy and has a seizure disorder. Douglas today is totally dependent on his family and healthcare providers for all of his activities of daily living, and is 100% disabled. This trial lasted one week and a half after plaintiffs settled with the hospital. The jury returned a verdict in the amount of \$15,924,000 and \$1,500,000.00 each for his parents, Donna Birch and Basil Birch. Plaintiff had entered into a prior settlement with Hialeah Hospital, the amount of which is confidential. Manuel Epelbaum and Robert J. Dickman were the trial attorneys in this case.

John Doe v. Mount Sinai Hospital

Settlement: \$6,500,000.00

This case involved nursing negligence by staff at Mount Sinai Hospital. The plaintiff was in the well baby nursery within the first day of birth and nursing staff failed to detect that the baby was having apnea spells and by the time she was found, she had gone into full arrest. Plaintiffs were able to prove that the nursing staff in the well baby nursery at Mount Sinai Hospital did not follow their own protocols and properly attend to and properly resuscitate the baby. As a result, the baby suffered severe hypoxia to the brain resulting in permanent brain injury and cerebral palsy. This case was litigated by Robert J. Dickman and Manuel Epelbaum and was settled at mediation shortly before trial.

Valerie Campbell v. Carnival Cruise Lines, et al

Settlement: \$6,300,000.00

Valerie Campbell was a black jack dealer on a Carnival cruise ship and became ill with flu-like symptoms on a cruise. She was treated by the ship's doctors and eventually airlifted to Mount Sinai Hospital in Miami Beach, Florida, at which time she was diagnosed with a virus in her brain. Due to the delay in getting Valerie to a proper healthcare facility, and due to delays in diagnosis and treatment for her condition, Valerie suffered extensive brain injury resulting in quadriplegia. This case was litigated by Robert J. Dickman and Manuel Epelbaum.

Theodore v. XYZ Hospital

Settlement: \$2,000,000.00

Plaintiff was in the seventh month of pregnancy and had been previously diagnosed with pregnancy induced hypertension. She attended a high risk clinic at the defendant hospital and was seen a few days before admission to the hospital with an abnormally high blood pressure. Rather than being admitted and placed on bed rest and medication, the Plaintiff was allowed to go home. One day later, the Plaintiff returned to the hospital and during the process of admission, suffered respiratory failure resulting in an emergency cesarean section being performed on the floor of the labor and delivery suite. Unfortunately, Ms. Theodore suffered severe anoxic brain injury and became quadriparetic. Her baby survived and suffered minimal injury and no residual effects of the emergency cesarean section. This case settled at mediation. This case was litigated by Manuel Epelbaum.

Frisby v. Holiday Isle

Settlement: \$1,100,000.00

Plaintiff was staying at Holiday Isle in the Florida Keys and dove into water that was not properly marked as being shallow. Upon diving into the water, Plaintiff struck a cinder block that was under water and sustained a fracture to his neck resulting in quadriplegia. Plaintiff was able to make a significant recovery and although still suffering signs of his paralysis, he has become independent and is self-sustaining. This case was litigated by Robert J. Dickman and Manuel Epelbaum.

Sternberg v. XYZ Law Firm

Settlement: \$1,000,000.00

Plaintiff sued his attorneys for failing to properly resolve a medical malpractice case. Plaintiff's law firm was an out-of-town firm and failed to timely prosecute Plaintiff's claims for their child's brain injury. In order to win this case, Plaintiff had to prove the underlying medical malpractice case as well as the legal malpractice case. The case settled immediately before trial. This case was litigated by Robert J. Dickman.