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FLORIDA JURY VERDICT REPORTER (FJVR)

NIGEL DESOUZA v. YEINSON TORRES HURTADO and VIVIANA HURTADO  
ESCOBAR (Circuit Court of Palm Beach County, Florida)

Docket No.: 50 2010 CA16866; FJVR Reference No. 12:6-29

Verdict Date: March 30, 2012; Publication Date: June, 2012

*2012 FL Jury Verdicts Rptr. LEXIS 229*

**TOPIC:** [\*1] Million Dollar Verdicts & Settlements - Motor Vehicles - Negligence - Rear-End Collision

**RESULT:** \$ 1,002,237.17 for Plaintiff. (verdict)

(\$ 27,237.17 -- past medicals; \$ 300,000 -- future medicals; \$ 325,000 -- lost earnings; \$ 200,000 -- past pain and suffering; \$ 150,000 -- future pain and suffering).

**STATE:** Florida

**COUNTY:** Palm Beach

**JUDGE:** Howard Harrison / Timothy P. McCarthy

**PLAINTIFF PROFILE:** Age: 47  
Sex: Male  
Occupation: Pilot

**PLAINTIFF ATTORNEY:** Andrew Rader and Cathy Bierman of Topkin, Egner, et al., P.L., Deerfield Beach, FL

**DEFENDANT ATTORNEY:** Paul Ginsburg of Luks, Santaniello, et al., Miami, FL

Cause Of Injury: On Oct. 31, 2008, plaintiff Nigel DeSouza was operating a motor vehicle, waiting at a traffic light on Glades Road and Florida's Turnpike in Boca Raton, when defendant Yeinson Torres Hurtado rear-ended his vehicle. Plaintiff filed a negligence action on June 29, 2010. Defendant admitted negligence but denied that the accident was the cause of plaintiff's injury or that he sustained any permanent injury. Plaintiff's vehicle sustained \$ 340 in damage.

Plaintiff, who sustained a herniated disk as a result of the collision, was a commercial aircraft pilot and avid martial artist. Plaintiff was treated at the hospital and released. Ultimately, he received [\*2] three epidural injections but no further treatment after February of 2009. Plaintiff claimed that he was unable to practice martial arts since. In addition, when his neck was in pain his blood pressure rose, making him unsafe to fly as a commercial pilot. He didn't take his required FAA physical in December of 2008, and temporarily lost his flight currency. He began to fly again in October of 2010. Plaintiff's expert, Dr. Chung, testified that he would eventually need a fusion and that expenses for future treatment would begin around the time plaintiff turned 55.

Nature Of Injury: Herniated C4-C-5 disk; pain and suffering; lost wages.

**PLAINTIFF EXPERT WITNESSES:** Edward Chung, M.D., Orthopedics/Spine Specialty, Delray Beach, FL  
Ian Schaja, D.O, Interventional Anesthesiology, Boca Raton, FL

**DEFENDANT EXPERT WITNESSES:** Melvin Young, M.D., Orthopedics, Boca Raton, FL  
Mark Allen Goldstein, M.D., Neurology, Atlantis, FL

Editor's Note: On April 9, 2012, defendant filed motions for new trial and for post-trial setoffs.