

Man Awarded \$1.43M for Injury After 3 Years of Litigation

Celia Ampel December 19, 2016



Susan Carlson and Ervin Gonzalez of Colson Hicks Eidson and Barry Snyder of Snyder & Gonzalez

J. Albert Diaz

When a black Lincoln Town Car plowed into the Hollywood barbershop where Richard Catlett was waiting for a haircut, he thought it was the end.

"He thinks he's going to die," said Catlett's attorney, Ervin Gonzalez of Colson Hicks Eidson in Coral Gables. "He thinks that's it. Fortunately, he didn't die, but they damaged his knee pretty badly."

Catlett's personal injury lawsuit led to three years of lawyerly quarreling over who was to blame for the collision that sent the Town Car careening into a strip mall. The trial earlier this month also examined the value of a healthy knee, ending in a \$1.43 million verdict for the injured 50-year-old.

On Dec. 14, 2013, Town Car driver Jose Cardona was heading west on Hollywood Boulevard when he collided with a car driven by Alejandra Montiel, who was making a left turn at the boulevard's intersection with North 46th Avenue.

Cardona then traveled over a curb, through the parking lot and into the barbershop — a bizarre trajectory plaintiffs counsel said was caused by Cardona driving with his left foot on the brake and his right foot on the accelerator, going nearly twice the 35 mph speed limit. Cardona, a professional driver with Presidential Car Service, testified he had been trained to drive with two feet.

The case was complicated by the question of whether Montiel, also a defendant, shared some of the blame for the crash. Both Cardona and Montiel had a green light, and there was no left-hand turn arrow. Lawyers for Cardona and his employer argued the collision was 100 percent Montiel's fault, as she was required by law to yield to oncoming traffic approaching the intersection.

But Montiel believed she had plenty of time to make the turn because Cardona wasn't anywhere near the intersection, said her lawyer, Adriana Santiesteban of the Law Offices of Gonzalez & Associates. Montiel could not have anticipated that the Town Car would be approaching at 69 mph, Santiesteban said.

Besides the argument about liability, the defense also argued Catlett's knee injury did not have the effect on his quality of life that he said it did, according to Gonzalez.

"The case, frankly, in my opinion, should have been resolved," he said. "We had a huge battle over the value of the case. The defendant didn't feel a knee is worth that much money."

The crash left Catlett with a tibial plateau fracture. Doctors had to fill it with material from a corpse, Gonzalez said, along with a plate and eight screws. Catlett has pain throughout the day and will likely have arthritis in the future. Both the plaintiffs and defense physician witnesses testified it was a severe, traumatic injury, Gonzalez said.

Catlett has also had to take a more sedentary role at work, where he used to retrieve auto parts with ease but now cannot climb ladders or go deep into the warehouse, Gonzalez said. His friends testified his attitude has changed as a result of his limited mobility.

He has also gained about 100 pounds since the injury, a fact Gonzalez said was used against him at trial when the defense said Catlett's knee pain was caused by excess weight.

"They blamed him for gaining weight because he's not active," he said. "I thought that was a rather offensive argument: First, I'm going to make you immobile so you gain weight, then I'm going to call you fat."

After a week-long trial before Broward Circuit Judge William Haury, the jury returned with a verdict of \$1.43 million for Catlett. The jurors assigned 85 percent of the liability to Cardona and Presidential Car Service and the remaining 15 percent to Montiel and the owner of the car she was driving.

In a cross-claim against Cardona, Montiel won \$140,000 for a herniated disc caused by the crash. Santiesteban said her client was pleased with the jury's verdict and would not file an appeal.

Cardona and Presidential Car Service were represented by David Howland of the Law Offices of David R. Howland in Coral Gables and Gladys Cardenas of Gladys A. Cardenas P.A. in Miami. They did not respond to a request for comment by deadline.

Gonzalez said the verdict shows how a knee injury can affect all aspects of someone's life.

"Literally, in the blink of an eye, they stole this man's good health and his independence," he said.

Case: Richard Catlett v. Jose Cardona et al

Case no.: CACE14003112

Description: Personal injury

Filing date: Feb. 14, 2014

Verdict date: Dec. 8, 2016

Judge: Broward Circuit Judge William Haury

Plaintiffs attorneys: Ervin Gonzalez and Susan Carlson, Colson Hicks Eidson, Coral Gables; and Barry Snyder, Snyder & Gonzalez, North Miami Beach

Defense attorneys: David Howland, Law Offices of David R. Howland, Coral Gables; Gladys Cardenas, Gladys A. Cardenas P.A., Miami; Adriana Santiesteban and Christina Coello, The Law Offices of Gonzalez & Associates, Miami

Verdict amount: \$1.43 million