

FROM THE COURTS

Jury Awards Damages to Student Hit by Police Officer



ADOBE STOCK

The police officer claimed he was responding to an emergency and had his vehicle's siren and emergency lights activated.

by Melissa Siegel

A jury found that a Miami police officer was mostly to blame for an auto collision in a Miami intersection, and it awarded nearly \$110,000 to the civilian motorist involved in the accident.

On May 1, 2016, plaintiff Veronica Sarria, 18, a college student, was driving on Northwest Fifth Court, near its intersection at Northwest 62nd Street in Miami. While she was proceeding through the intersection, her sport utility vehicle struck the right side of a police cruiser that was being driven by police officer Miguel Medina, who was traveling on Northwest 62nd Street. Sarria claimed that she suffered injuries of her back and neck.

Sarria sued Medina's employer, the city of Miami. The lawsuit alleged that Medina was negligent in the operation of his vehicle. The lawsuit further alleged that the city of Miami was liable because the accident occurred during Medina's performance of his job's duties.

Sarria claimed that a green traffic signal permitted her entrance to the intersection. She claimed that Medina ignored a red signal. Sarria's counsel contended that Medina was not responding to an emergency and therefore should have yielded the right of way. Sarria claimed that Medina had not activated his vehicle's siren or emergency lights, and Sarria's counsel claimed that police-department radio-transmission logs did not document a contemporaneous emergency call.

Medina claimed that he was responding to an emergency, and he also claimed that his vehicle's siren and emergency lights had been activated. A police sergeant supported the claim that Medina was responding to an emergency. As such, defense counsel argued that Sarria was legally obligated to yield to Medina's vehicle.

After 12 days had passed, Sarria visited a chiropractor. Sarria claimed that she was suffering pain related to the accident. Conservative treatment was recommended.

Sarria ultimately claimed that she suffered a herniation of her L5-S1 intervertebral disc. She also claimed that she suffered trauma that produced a bulge of her C4-5 disc. She claimed that she developed residual impingement of a spinal nerve.

Sarria underwent a total of about 21 months of chiropractic manipulation and physical therapy. The treatment concluded in March 2018. In April 2017, Sarria underwent administration of a painkilling injection that was directed to her sacroiliac joint. Sarria also underwent administration of two nerve-block injections: one in May 2017 and one in March 2020.

Sarria claimed that she suffers residual pain and limitations. A doctor has recommended a rhizotomy, which would involve ablation of a problematic spinal nerve. Sarria sought recovery of past and future medical expenses, and she sought recovery of damages for past and future pain and suffering.

During a deposition, the defense's expert orthopedist, who had examined Sarria, opined that the accident caused nothing more than temporary sprains and strains. The expert reviewed the results of post-accident MRI scans that Sarria had undergone, and he opined that the results did not depict an abnormality.

The jury found that Medina and Sarria shared liability for the accident. Medina and the city of Miami were allocated a total of 83 percent of the liability, and Sarria was allocated 17 percent of the liability.

The jury determined that Sarria's damages totaled \$132,278.52, but the comparative-negligence reduction produced a net recovery of \$109,791.17. Judge Jose Rodriguez denied defense counsel's motion for a new trial. Plaintiff's counsel has moved to tax costs and to determine entitlement to fees and costs.

Melissa Siegel reports for VerdictSearch, an ALM affiliate of the Daily Business Review. Contact her at msiegel@alm.com.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **August 24, 2022 beginning at 6:00 PM** to consider the proposed site plan for the property located at 10405 NW 19 Street. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 22-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE SITE PLAN FOR THE PROPERTY LOCATED AT 10405 NW 19 STREET, PURSUANT TO SECTION 53-184(F) OF THE CITY'S LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 22-08-DOR-04

APPLICANT: Fortuna Real Estate LLC (the "Applicant")

PROJECT NAME: 10405 NW 19 Street

PROPERTY OWNER: Emre Tuna

LOCATION: 10405 NW 19 Street, Doral, Florida 33172

FOLIO NUMBER: 35-3032-022-0035

SIZE OF PROPERTY: ± 2.31 acres

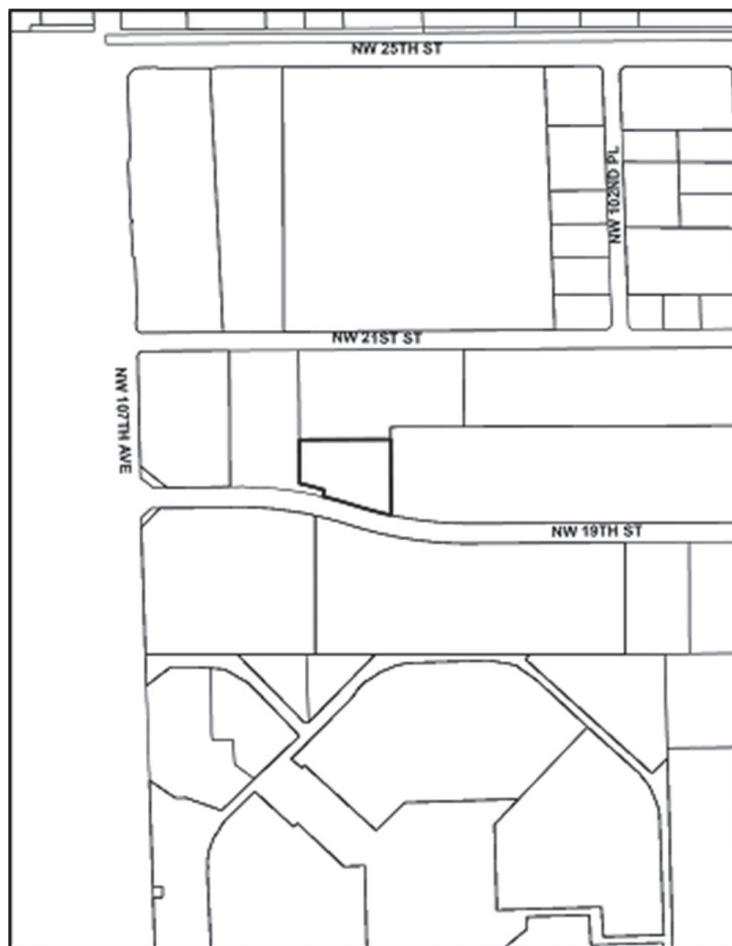
FUTURE LAND USE MAP DESIGNATION: Industrial

ZONING DESIGNATION: Industrial District (I)

REQUEST: The Applicant is proposing to develop the vacant Property with a 40,141 square foot building to accommodate a one-story warehouse distribution center consisting of 3,383 square feet of office space and 36,758 square feet of warehouse use.

LEGAL DESCRIPTION: Lot 2, Block 4, less the North 383 feet of Lot 2, International Corporate Park Section 3, according to the map or plat thereof as recorded in Plat Book 149, Page 93, Public Records of Miami-Dade County, Florida.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL. The application file may be examined at the City of Doral Planning and Zoning Department located at 8401 NW 53 Terrace, Doral, FL 33166.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

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