

Fall 2017



ALPIZAR LAW LLC

TRIAL ATTORNEYS

"We're Here for You"

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Alpizar Law Settles Maritime Claim For \$8.9 Million

On January 26, 2009, the Plaintiff sustained a left leg fracture during an on-the-job accident which occurred when he was employed as a carpenter for a construction company that was undertaking a renovation project on a bridge over the Intracoastal Waterway in St. Augustine, Florida. As a result of the leg fracture, our client underwent arthroscopic surgery in May 2010. As a result of that surgery for the leg fracture, he developed a deep vein thrombosis and was placed on a blood thinner. On June 8, 2012, our client was seen at Flagler Hospital with a history of having fallen. He was suffering with headaches, nausea, vomiting, and vision changes. A CAT scan was performed and was interpreted as positive for a large right-sided subdural hematoma with herniation. Our client was placed on a ventilator and subsequently underwent surgery in the form of a craniotomy for removal of the subdural hematoma. This resulted in significant and permanent brain damage with profound cognitive impairment.

The case was originally referred to Melbourne attorney, David Gorewitz, as a potential Workers' Compensation claim. Mr. Gorewitz quickly recognized this as a Seaman's claim under the Jones Act and also a potential Longshoreman's claim under the Longshoreman and Harbor Workers' Compensation

Act. He filed suit in State Court in Orange County, Florida, where the employer of our client maintained a business office. After litigating the Jones Act claim for a short period of time, Alpizar Law and O. John Alpizar were associated as primary counsel to handle the litigation. The case was mediated on three separate occasions.

As a result of our client's injuries, he lost vision in one eye and suffered with significant loss of memory and cognitive functioning due to the severe traumatic brain injury. He was ultimately transferred to a facility specializing in neurobehavioral issues, and our client was initially provided with long-term 24/7 care. The treating physicians were of the opinion that our client would require that level of care for the remainder of his life. Initially, our client was unable to handle his personal affairs, and a guardianship was established to represent his interests. Because the incident occurred during the renovation of a bridge over the Intracoastal Waterway, it was governed by Maritime Law. It was established that our client was a seaman under the Jones Act and also entitled to benefits under the Longshoreman and Harbor Workers' Compensation Act. Experts were retained in an effort to evaluate the full extent of damages incurred, including setting forth the project-

(Continued on pg 5)



Meet Our Attorneys



Scott Alpizar



David M. Alpizar



O. John Alpizar



Andrew B. Pickett

Alpizar Law Attorneys Go To Trial Five Times in 2016

Alpizar Law attorneys O. John Alpizar and Andrew Pickett had a very busy year of trials. On five separate occasions, in front of 3 different Brevard County judges, Alpizar Law obtained verdicts far in excess of the insurance policy limits for their clients. Below is a summary:

2016 ALPIZAR LAW TRIALS

MONTIJO V. DEVLIN

Best Insurance Company Pre-Trial Offer
\$150,000.00

VERDICT **\$581,458.00**

FERRANTI V. STATE FARM

Best Insurance Company Pre-Trial Offer
\$45,000.01

VERDICT **\$365,851.²³**

PARK V. STATE FARM

Best Insurance Company Pre-Trial Offer
\$15,000.00

VERDICT **\$635,000.00**

NOCERA V. RESTAL

Best Insurance Company Pre-Trial Offer
\$80,000.00

VERDICT **\$688,084.⁵²**

GALLO V. TRAVELERS

Best Insurance Company Pre-Trial Offer
\$8,000.00

VERDICT **\$422,753.00**

get to know Scott Alpizar



The newest attorney, Scott Alpizar, has joined Alpizar Law. Scott is the son of Alpizar Law's founding member, John Alpizar, and the brother of attorney, David Alpizar. Scott is a native to Brevard County where he spent his entire childhood. After graduation from Holy Trinity Episcopal Academy in 2005, Scott left Florida to attend Harvard University where he was a member of the varsity football team and graduated in 2009 with a concentration in Economics. After graduation from Harvard, Scott continued his education and attended Florida State University where he obtained a Masters of Business Administration with a concentration in Finance, graduating near the top of his class.

After receiving his MBA, Scott accepted a very prestigious job working for a Fortune 100 company through its Leadership Development Program in finance where he oversaw \$125+ million in capital investment and supported a sales and marketing group responsible for generating over \$2.3 billion in annual revenue. After two years working in corporate America, Scott decided to return to school to obtain his Juris Doctor from Florida International University. During law school, Scott clerked for the United States Bankruptcy Court for the Southern District of Florida. In addition, he interned at a prestigious personal injury law firm in Coral

Attorney *spotlight*

Gables. After graduating, Scott returned to Brevard County to begin his legal career with Alpizar Law.

Scott explained, "Once the decision to go back to law school was made, the opportunity to work at one of Brevard's premier law firms and to have my father and brother as mentors was too great of an opportunity to pass up." Scott passed the Florida Bar exam and became a member of the Florida bar in April 2016 and has been practicing law since then.

Leveraging his financial experience and education, Scott provides an invaluable perspective to Alpizar Law. Scott plans to continue the legacy created by his father and brother to serve the community by seeking justice for those who are injured by the careless and wrongful acts of others. His practice will focus on representing victims of automobile accidents, trucking and tractor-trailer accidents, motorcycle accidents, and those whose lives are seriously altered or tragically cut short due to the negligence of others. In his short time at the firm, Scott has already had the opportunity to participate in four jury trials with attorneys John Alpizar and Andrew Pickett. He has also immersed himself in the Brevard legal community, having been elected to the Board of Directors of the Young Lawyers Division of the Brevard County Bar Association. He was also invited to become a member of the Vassar B. Carlton American Inn of Court.

18th Circuit Judicial Nominating Commission Appointment



Andrew Pickett, an attorney with Alpizar Law, LLC, has been appointed by Florida Governor Rick Scott to the 18th Circuit Judicial Nominating Commission for a term beginning March 31, 2017, and ending July 1, 2020. The 18th Circuit Judicial Nominating Commission is responsible for interviewing applicants and providing the governor of Florida with a list of well-qualified candidates for appointment as county and circuit judges in the 18th Judicial Circuit, which covers Brevard and Seminole counties.

Pickett has worked as an attorney for Alpizar Law, LLC since 2013 and previously served as a prosecutor for the 18th Judicial Circuit State Attorney's Office, where he was awarded the 2011 *Pride in Excellence* Attorney of the Year Award by State Attorney Norm Wolfinger. Andrew currently practices in the area of civil litigation, focusing primarily on the representation of plaintiffs in personal injury and wrongful death cases.

Pickett is a long-time Brevard County resident and graduated from Satellite High School in 2000. He completed his undergraduate studies at the University of Virginia (B.A. in philosophy), graduated from law school at the University of Florida (J.D.), and obtained a Masters of Law (LL.M) from the University of Miami. He was recently elected to serve as President-Elect of the Brevard County Bar Association and has represented the 18th Judicial Circuit as an elected member on the Florida Bar Young Lawyers Division Board of Governors

since 2012. He has also served as an adjunct instructor at Eastern Florida State College in the Law Enforcement Academy since 2012. He has been recognized as an AV® Preeminent Peer Review Rated attorney by Martindale-Hubbell and has also been recognized as a Rising Star by *Super Lawyers* magazine for 2015 and 2016.

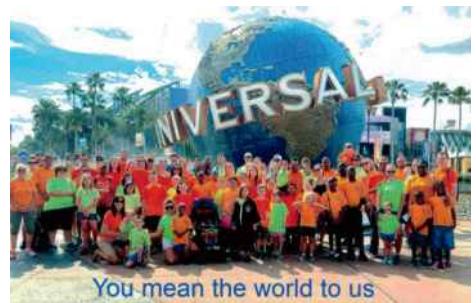
Alpizar Law Supports Operation Hope's Annual Backpack Drive

Alpizar Law is dedicated to the investment in our youth's education here in Brevard County. In 2016 Alpizar Law had the privilege of supporting Operation Hope in Fellsmere, Florida. For over a decade, Operation Hope has hosted a backpack drive where they hand out hundreds of backpacks filled with school supplies to local children. This event is held at Operation Hope's facility in Fellsmere, Florida. It is a fun day for the whole family, with live music, games, food and activities for children of all ages. Alpizar Law is happy to again support Operation Hope in their back to school event in 2017.

Alpizar Law Supports Candlelighters Of Brevard

Alpizar Law was a proud sponsor of the 15th Anniversary Have-A-Heart Valentine's Extravaganza. Candlelighters of Brevard was successful in raising over \$221,000 during their February 2017 Gala.

Candlelighters of Brevard, Inc. is a non-profit organization dedicated to helping children with cancer and their families by offering emotional support and financial assistance. Currently, there are no pediatric oncologists in Brevard, which results in families having to travel out of county in order to seek medical care. These families drive over 225,000 miles to their treatment centers. In 2016 the families of Candlelighters of Brevard spent 947 days at clinic visits, 608 days in-patient, and over 175 days at the Ronald McDonald House. Alpizar Law is honored to provide assistance to these families.



Alpizar Law obtains \$635,000 Verdict Against State Farm

On February 24, 2014, Amanda Park, a 36-year-old female, was a passenger in a car with her husband on the way to lunch. She was stopped at the intersection of Pine Street and Strawbridge Avenue in Melbourne, Florida, when she was violently rear-ended by a 1998 Ford Escort. As a result of the impact, both cars were severely damaged. As a result of the crash, Amanda was seriously and permanently injured, suffering major injuries in her neck.

Of particular concern was the fact that she suffered multiple disc herniations in her neck at C3-4, C4-5, C5-6, C6-7, and C7-T1. Amanda received two and a half years of conservative medical treatment, including over 100 chiropractic visits, pain management injections in her neck, and a radiofrequency ablation. Ultimately, Amanda's main treating physician recommended neck surgery to address her injuries.

Amanda was a healthy and very active young woman. After the crash, Amanda noticed tremendous difficulty and pain with some of the most basic daily activities. Unfortunately, the driver of the Ford Escort that crashed into Amanda did



not carry any bodily injury liability coverage. We had to look to State Farm Mutual Automobile Insurance Company, the uninsured/underinsured (UM/UIM) carrier for the car that Amanda was a passenger in. Fortunately, the car that Amanda was in had a policy of \$15,000.00 in UM/UIM benefits. Unfortunately, State Farm was not

interested in making a fair or serious effort to reimburse Amanda for the injuries she suffered due to no fault of her own and refused to even offer their policy limits of \$15,000.00, despite Amanda's serious injuries.

Because of State Farm's lack of interest, Amanda was forced to file a lawsuit, and the case went through two years of protracted litigation. Ultimately, the case proceeded to a jury trial. The case was tried by Alpizar Law attorneys Andrew Pickett and O. John Alpizar. The trial lasted 8 days. A Brevard County Jury returned a verdict in the amount of \$635,000.00. The verdict was more than 42 times the policy limits of \$15,000.00.

\$300,000.00 Settlement Reached on the Eve of Trial

On January 4, 2014, Sarah Kibbe was traveling westbound on Palm Bay Road and was slowing down due to heavy traffic. Suddenly, and without warning, she was violently rear-ended by a vehicle driven by Stephen Heck. As a direct result of the ensuing motor vehicle collision, Sarah Kibbe sustained multiple injuries, including three disc herniations in her neck, for which her treating physicians recommended surgery. Mr. Heck's insurance company, State Farm, was given multiple opportunities to settle the claim for the policy limits of \$50,000.00, but refused to do so. The best offer State Farm made before a lawsuit was filed was \$5,000.00. Because of their unreasonable failure to settle the claim for the policy limits, Sarah Kibbe was forced to file a lawsuit and endure over two years of protracted litigation. The case was scheduled to go to trial beginning on February 8, 2016. On February 11, 2016, a settlement agreement was reached with State Farm, requiring them to pay \$300,000.00 to settle Sarah's claim, six times the available policy limits.



Alpizar Law Settles Maritime Claim For \$8.9 Million

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ed future medical needs that our client would require over his lifetime, as well as the value of loss of earnings in the past and into the future.

On the eve of trial, Mr. Alpizar negotiated a gross settlement in the amount of \$8,950,000.00 to resolve all claims. Because of how the injury occurred and the fact that it occurred subsequent to the initial accident, there were liability questions to be dealt with, including whether the subsequent injury related to the original injury that took place on the Intracoastal Waterway. Alpizar Law appreciates being associated on this case and we were very pleased to have collectively been able to achieve such a great result for a deserving client.



ALPIZAR LAW INCREASES *Thanksgiving Giveaway* TO OVER 650 TURKEYS

On November 19, 2016, Alpizar Law again hosted its Thanksgiving Turkey giveaway at its office located at 1528 Palm Bay Rd NE, Palm Bay, Florida. As in years past, the charitable outreach was warmly received by the community. Friends, family, and people from all over Brevard County came together to share in this special day. Alpizar Law was so thankful to be able to impact so many lives. The gratitude and appreciation was overwhelming.

Once again, as this event has quickly become a tradition, hundreds of families lined up as early as 5:30 a.m. to receive a free turkey. To further the festivities, Al-

pizar Law had friends preparing hot dogs and handing out bottles of water for those waiting in the hot sun. Local radio icon Timmy Vee was again there to provide music, contests, and entertainment for the crowd. We were also honored to be joined by the Mayor of Palm Bay, William Capote, who came by to help hand out turkeys.

Within 2 hours all turkeys had been accounted for and handed out. Alpizar Law is so blessed to be able to impact the lives of our neighbors in the place we call home and to help make the Thanksgiving holiday a little more enjoyable for so many.





Alpizar Law also was overjoyed to be able to hand out a free 42" flat screen TV to the lucky winner of our raffle. Each person that receives a turkey also gets entered into a raffle drawing for this prize.

This special event would not be a success without the amazing staff at Alpizar Law, our friends, family and volunteers that help run this event smoothly and the community that has supported us for so many years. We truly enjoy the ability to give back to our community and we are humbled by the response we received from so many people. We were touched by countless stories and words of encouragement. We want to thank all who were part of this incredible day who provided the reassurance that there are still genuinely wonderful people in this world.

We have already begun the planning for the 2017 Alpizar Law Turkey Giveaway to take place on Saturday, November 18, 2017 and we are looking forward to another successful event and creating many new memories to last in our hearts. Alpizar Law. We're Here for You!

Thanksgiving Turkey Giveaway

650 Turkeys

Saturday, November 18, 2017

First turkey given out @ 10:30 a.m.

**650 turkeys will be given away this year,
on a first come, first serve basis.**

Please only (1) one turkey per household.

For more info, visit: WWW.ALPIZARLAW.COM

1528 Palm Bay Rd., NE | Palm Bay, FL 32905 | 321.676.2511

Auto/Motorcycle Accidents • Trucking Accidents • Pedestrian/Cycling Accidents • Wrongful Death





1528 Palm Bay Rd. N.E.
Palm Bay, Florida 32905

1. This crash occurred on September 28, 2015, in the parking lot of Cocoa Beach Junior/Senior High School in Cocoa Beach, Florida. Jane Doe, age 12, was walking from the west side of the parking lot towards her bus. The Defendant was driving his vehicle southbound through the parking lot at a speed that appeared to be in excess of the posted speed limit and certainly in an extremely dangerous manner under the circumstances. As Jane Doe proceeded through the parking lot, she was struck by the right front fender of the Defendant's vehicle. She was knocked to the ground and immediately rendered unconscious. When she woke up, she could not move her left leg. Jane Doe was transported via helicopter to Arnold Palmer Children's Hospital in Orlando. As a result of Defendant's negligence, Jane Doe suffered serious injuries, including a concussion with loss of consciousness, subdural hematoma, closed left comminuted fracture of the proximal third of the tibia and middle third of the fibula, significant abrasions to the left lateral ankle, and road rash wounds. The Defendant's insurance company had policy limits of \$100,000.00 in bodily injury liability coverage and extended the policy towards Jane Doe's settlement. In addition, Alpizar Law was able to recover an additional \$45,000.00 from Jane Doe's underinsured motorist carrier to resolve her claim.

2. On March 13, 2014, Jane Doe was traveling eastbound on County Road 510 in Vero Beach, Florida. She came to a complete stop with her left turn signal on, attempting to make a left turn onto 70th Avenue. At that same time, the Defendant was driving a 2008 Ford F-150 truck eastbound directly behind Ms. Doe. The Defendant admitted to the investigating officer that he was looking at an orange grove and not paying attention to the roadway. He also admitted that he was traveling 55 mph when he hit Jane Doe's vehicle. Ms. Doe's 2004 Saturn Ion suffered extensive damage and was deemed a total loss. As a result of this tremendous impact, Jane Doe suffered a labrynthine concussive injury with closed head injury with headaches, dizziness and short term memory loss, as well as 4 herniated discs with cord indentation at C4-5 and C5-6. She also suffered a herniated disc at L4-5 with low back pain, bilateral knee pain and two fractured teeth. The Defendant's insurance company quickly tendered their bodily injury policy limits of \$25,000.00. Alpizar Law was also able to secure policy limits of \$100,000.00 of underinsured motorist benefits carried by Ms. Doe.

3. On August 10, 2014, John Doe was driving his 2014 Cadillac eastbound on Strawbridge Avenue in Melbourne, Florida. At that same time, the Defendant was driving a 2006 Hyundai westbound on Strawbridge Avenue. As John Doe approached the intersection of South Harbor City Boulevard, the Defendant attempted to make a left turn in front of Mr. Doe resulting in a T-bone accident with massive property damage to both vehicles. Mr. Doe sustained an acute sternal fracture, lower abdominal pain, urinary retention and hematuria, as well as a right shin laceration and fractured tooth. As a result of his injuries, Mr. Doe underwent a surgery in the form of a cystoscopy evacuation of clot and a transurethral incision and resection of the prostate. He also underwent a root canal and crown for the fractured tooth. The Defendant's insurance company agreed to pay his available \$100,000.00 in bodily injury limits to settle the claim. In addition, Mr. Doe's uninsured motorist carrier contributed to the settlement in excess of the bodily injury limits.