



ALPIZAR LAW LLC

TRIAL ATTORNEYS

“We’re Here for You”

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Attorney Referral to Alpizar Law Results in \$1.25 Million Settlement



Attorneys John Alpizar and Scott Alpizar were able to reach a settlement for a local Brevard man in the amount of \$1,250,000.00 in a tough liability case against a large national electric company. The crash happened in 2015 on I-95 in Brevard County, Florida. The driver of the company was traveling northbound in a large truck at 1:30 a.m. when he drifted into the middle lane, causing a Nissan Versa to spin out of control before coming to rest perpendicular to traffic without functioning

headlights. After seeing this, our client jumped out of his car to rush over to help the woman trapped in the car. Suddenly, another car traveling northbound struck the disabled vehicle in the road while he was rendering medical assistance. A significant dispute arose as to which lane the crash occurred in. The electric company argued the Nissan struck their truck in the right lane.

The injuries to our client were catastrophic. He was found unconscious at the scene when emergency rescue arrived. He coded on scene and had to be resuscitated. He was then intubated while being air transported to the hospital. Upon arrival at the hospital, he coded and was resuscitated a second time. Our client suffered a commuted fracture of the right tibia, displaced fracture of the right fibular head, right fracture of the tibia shaft, right thumb fracture, chip fracture of the left fibula, left fracture of the tibial shaft measuring 12 mm x 12 mm, bilateral nose fracture, bilateral pleural effusions, posttraumatic respiratory failure, sternal fracture and 4 left rib fractures. He also was diagnosed with a subdural hematoma

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Meet Our Attorneys



Scott Alpizar



David M. Alpizar



O. John Alpizar



Alexa Moia



2019 WINNER

FEATURED CASES

Local Attorney Referral to Alpizar Law Results in Verdict for Plaintiff

Attorney John Alpizar and his trial team secured a \$581,458.00 Verdict in Brevard County.

On August 10, 2012, Aaron Montijo was traveling on US 192, just east of John Rhodes Boulevard in West Melbourne, returning from making a pizza delivery. The Defendant, in his attempt to make a left turn across three lanes of traffic, without warning exited the Sam's Club parking lot directly into the path of the Mr. Montijo's vehicle. The impact was so great that both vehicles came to a complete stop in the westbound lanes of traffic. Mr. Montijo's vehicle was a total loss.

Mr. Montijo's injuries included a disc herniation in the cervical with cord impingement and multi-level disc bulges in his thoracic spine. Due to his injuries, Mr. Montijo was advised that an anterior cervical discectomy and fusion would be required to repair his neck.

A pre-suit demand to Travelers Insurance Company was rejected in addition to other settlement opportunities. A lawsuit was filed and the case proceeded to trial in January 2016. At trial, a jury issued a Verdict awarding Mr. Montijo \$581,458.00. In addition to the Verdict, the Plaintiff was also successful in obtaining an award for attorneys' fees in the amount of \$316,181.25 for beating a Proposal for Settlement filed against the Defendant. This Verdict was appealed and affirmed. The bad faith claim against Travelers Insurance Company is still pending.

We would like to thank attorney Steve Casanova for his trust in our firm with this referral. Alpizar Law welcomes personal injury attorney referrals and we look forward to working with you. Contact us today to discuss your referral case.

Attorney Referral Results in \$1,555,000.00 Settlement Obtained for Off-Duty Sheriff Deputy in Trucking Case

Attorney David Alpizar was successful in reaching a settlement in the amount of \$1,555,000.00. In August 2012, at approximately 5:48 a.m., Deputy Fornes was traveling south on U.S. Highway 441, 1.5 miles south of the intersection with Fellsmere Road in Kenansville, Osceola County, Florida. At the same time, the Defendant was traveling north on U.S. Highway 441, in his semitruck and trailer. As they approached each other, the rear right wheel and tire of the trailer being pulled by the Defendant, came unattached, causing it to roll into the southbound lane of travel, striking the front end of Deputy Fornes' patrol vehicle. Deputy Fornes suffered multiple permanent injuries including, headaches with concussive syndrome, cervical spine pain, lumbar spine pain and left wrist pain. Diagnostic studies revealed



disc herniations to his cervical and lumbar spine, which later required surgical intervention. Deputy Fornes ultimately underwent cervical spine surgery which included an anterior cervical discectomy at C5-6 with bilateral C6 foraminotomy and an anterior cervical fusion at C5-6 with interbody implant allograft. He also underwent surgery for his lumbar spine which included a four-level Discogram followed by a transforaminal lumbar interbody fusion and laminectomy at L5-S1. The injuries and ultimately surgery resulted in our client having to stop working. Deputy Fornes' case reached an impasse at mediation. Shortly before trial, the insurance company began recognizing the severity of the case and Alpizar Law was able to secure a settlement.

FEATURED CASES

Settlement Reached in Rear End Collision

Our client Angie Wilt was at the intersection of Orange Avenue and Highway US1 stopped at a stop sign waiting for traffic to clear when she was suddenly rear ended by the Defendant. While there was not a tremendous amount of damage to her vehicle, Ms. Wilt did suffer serious injuries to her neck and right shoulder. She attempted conservative pain management to help reduce her pain and symptoms. Unfortunately, pain management did not provide any long-lasting relief and her doctors felt that surgery would be the only thing to fix the two herniated discs in her neck caused

by the crash. Ms. Wilt also had arthroscopic surgery to her right shoulder for a torn labrum and partial thickness rotator cuff tear. The relief from this surgery was temporary and ultimately Ms. Wilt had to undergo a right shoulder replacement to fix her condition caused by the collision. After filing suit and conducting extensive discovery in this case, attorney David Alpizar was able to secure a settlement with the insurance company for \$645,000.00.

Alpizar Law Obtains \$1.3 Million Settlement for Motorcycle Passenger Injured in Out of State Crash

In 2016, Jane Doe was an out-of-state motorcyclist riding on the back of a borrowed motorcycle driven by her husband. While traveling southbound, the brakes were applied, causing the motorcycle to drift and spin out of control. The bike hit a traffic barrier and Ms. Doe was thrown from the motorcycle coming to rest in a travel lane. Ms. Doe suffered a traumatic brain injury, multiple fractures, respiratory failure, and injury to her spleen and she was in a coma for a period of three weeks. After the insurance company refused to be fair in trying to settle the case directly with Plaintiff, she contacted

Alpizar Law to help. Attorney David Alpizar and paralegal Mari Helock immediately began our investigation. After being released from the hospital and almost two years of continued medical treatment, the Defendant's insurance company approached Alpizar Law about holding a pre-suit mediation to try and compromise a settlement. Alpizar Law and Ms. Doe declined mediation. Shortly thereafter, the insurance company agreed to pay Ms. Doe the policy limits of \$1,300,000.00.

Attorney Referral to Alpizar Law Results in \$1.25 Million Settlement

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and right parietal subacute infarct. He underwent emergency surgery to his left and right leg and spent three weeks in the hospital, much of which was in a coma and on life support. He was subsequently discharged to an inpatient rehabilitation facility where he spent another two weeks.

When the case was referred to Alpizar Law by another prominent local attorney in Brevard, the insurance company stood firm on their defense as to which lane the crash occurred in, making no offer to settle. That position changed after Alpizar Law began discovery and questioned the Defendant driver.

Alpizar Law welcomes all attorney referral relationships. A referral to Alpizar Law is a win for everyone! The client gets high quality legal representation and the referring attorney shares in our attorney fee.

FEATURED CASES

Alpizar Law Obtains Higher Settlement Than Original Verdict After Case is Appealed

This accident occurred on August 29, 2012, at approximately 6:41 am on Palm Bay Road, N.E. approximately 100 feet east of the intersection with Culver Drive, N.E. in Palm Bay, Florida. This was a three vehicle accident. All three vehicles were traveling east on Palm Bay Road. When the Plaintiff and the vehicle behind him, (vehicle #2), both slowed down for traffic, the third vehicle driven by the Defendant violently rear-ended vehicle #2 causing that vehicle to rear end the Plaintiff's vehicle. According to the crash report, the Defendant became distracted when he was placing a drink into a cup holder and could not stop his vehicle prior to rear ending vehicle #2. Following the accident, the Plaintiff sought medical treatment with complaints of left knee pain, mid back pain, neck pain radiating down his left shoulder, right wrist pain and right-hand pain. He was also having pain in his cervical spine with a decrease in range of motion. After several weeks of conservative treatment, the Plaintiff's condition failed to improve, and he was referred for an MRI which showed disc herniation at C5-C6 with a bulging disc at C3-C4 and C6-C7. It was also noted that the Plaintiff was suffering with right upper extremity radiculopathy. At this

time, interlaminar epidural injections in his cervical spine were recommended. The Plaintiff underwent a series of three injections with no beneficial relief. He was then referred for surgical evaluation. The Plaintiff ultimately decided to continue with conservative care understanding that surgery would most likely be required in the future.

The Defendant's insurer, State Farm, tendered their policy limits of \$25,000.00. However, the Plaintiff's underinsured insurance provider, Travelers Insurance Company, refused to tender their limits of \$250,000.00. The case went to trial in August 2016 and the jury returned a Verdict for \$422,753.00 against Travelers Insurance Company. In addition, the Plaintiff secured a Judgment for attorneys' fees in the amount of \$258,652.50. The Defendant appealed the Verdict and won upon appeal. The case was set to go to trial again in June 2019, when the day before trial began, a settlement in the amount of \$675,000.00 was agreed upon by both parties.

Attorney Referral to Alpizar Law Results in \$600,000.00 Settlement for Motorcyclist Injured by Construction Company's Negligence

On Thursday, March 19, 2015, a truck owned by Shenandoah General Construction Company was traveling northbound in the outside lane of S. Harbor City Boulevard toward Avenue D at approximately 10:42 pm. A large suction tube attached to the top of the truck was extended and struck a power line extending across S. Harbor City Boulevard. The impact caused the wooden power pole to break and fall, draping the power line across all lanes of the road. The driver of the truck had just been warned and disciplined 13 days earlier by his employer to stop operating the truck with the boom up. Presumably because they had been out drinking that night, as evidenced by the driver's BAC (Blood Alcohol Concentration), neither the driver nor his co-worker, who

was traveling behind him in another company vehicle, stopped to call 911 for help. In a panic and intoxicated, the driver stopped and ran into the southbound lane taking hold of the power line and was shocked as the power line was still active. According to a witness he was thrown south approximately 20 feet. A second witness said he observed the driver get up to his hands and knees and begin crawling slowly westward.

The Plaintiff, Robert Vipperman, and his riding partner were traveling southbound on motorcycles in the inside lane of S. Harbor City Boulevard, just past Avenue D. Due to the downed power line, all streetlights were out

FEATURED CASES

making the area very dark. The front of Mr. Vipperman's motorcycle struck the driver who was laying in the roadway. A moment later, the front of his partner's motorcycle also struck the driver. Both motorcycles lost control due to the impact and rolled on their sides. Sadly, the truck driver was pronounced dead at the scene. Both Mr. Vipperman and his riding partner were transported to the hospital by ambulance for multiple injuries. The Plaintiff eventually underwent

surgery for his lumbar spine.

A demand was provided to the insurance company for Shenandoah General Construction Company which was rejected. A lawsuit was filed in July 2018 and David Alpizar thereafter secured a settlement of \$600,000.00. Alpizar Law appreciates the confidence and values the relationships we have with our referring partners.

NOTABLE CASES

Insurance Company Settles After 2 Years of Litigation

On November 2, 2015, Froilan D. Santiago-Baez was at a complete stop at a red light at the intersection of Rockledge Boulevard and Eyster Boulevard in Rockledge, Florida. With no warning, he was rear ended by the Defendant. As a result of the collision, Mr. Santiago-Baez sustained a cervical disc herniation at C5-6 and lumbar disc bulges from L2-L5. He exhausted all forms of conservative treatment including chiropractic care and injections. Unfortunately, Mr. Santiago-Baez had to undergo a cervical discogram. After being positive for findings consistent with a herniated disc, our client underwent an anterior cervical discectomy and fusion at C5-6.

After being in litigation for two years and unsuccessful mediation, David Alpizar was successful in securing a settlement in the amount of \$300,000.00.

Insurance Company Settles After Filing Suit

On December 20, 2016, Alan Merrick, was traveling east on New Haven Avenue, in Melbourne, Florida in the right through lane and came to a complete stop for traffic in front of him. The Defendant was not paying attention to the roadway or her surroundings when she rear ended Mr. Merrick's vehicle. The impact was so severe it caused Mr. Merrick's vehicle to be pushed into the vehicle in front of him followed by a chain reaction. Mr. Merrick's vehicle was deemed a total loss. As a result of this collision, Mr. Merrick suffered a medial meniscus tear in the left knee and multi-level disc herniations in both the cervical and lumbar spine.

Because the Defendant was an uninsured driver, Mr. Merrick had to look to his uninsured motorist coverage with USAA to cover his claim. Even after receiving a demand package fully detailing the severity of Mr. Merrick's injuries including two surgeries for his knee and back and a 17% impairment rating, USAA denied his claim forcing Mr. Merrick to file a lawsuit.

The lawsuit was filed in December 2017 and the case was concluded in April 2018 with the acceptance of a Proposal for Settlement in the amount of \$200,000.00 by USAA.

NOTABLE CASES

Settlement Reached for Salesman Injured in Accident During Test Drive

On January 3, 2016, David Farrell was working for Southeastern Honda and taking a customer on a test drive when another vehicle suddenly ran a red light, t-boning the vehicle in which Mr. Farrell was a passenger. Mr. Farrell was in immediate pain and was transported by ambulance to Palm Bay Hospital where he initially complained of low back pain. Within a short period of time he began to experience neck pain and ultimately underwent an MRI that documented 4 mm of extruded disc material that compressed the left C7 nerve root. His pain and symptoms were so significant that he underwent a two-level cervical discectomy and fusion less than a year following the collision.

After being unhappy with three prior attorneys who had represented him, who were pushing him to take a settlement for less than what the case was worth, and who had failed to find all available insurance coverage, Mr. Farrell contacted Alpizar Law. We quickly discovered that the at-fault party had both an underlying bodily injury policy and an excess insurance policy through State Farm. Once Alpizar Law filed an appearance, the insurance company immediately increased their offer substantially. Attorney Scott Alpizar was able to successfully negotiate a settlement for Mr. Farrell in the amount of \$400,000.00.

Insurance Company Settles for 13x Their Pre-Suit Offer

On October 17, 2016, Christine Loafman was returning to work after using her lunch break to drive her son to work. While returning to work and driving down A1A in Indialantic, Ms. Loafman stopped for a red light at the intersection of A1A and Paradise Boulevard. While at a complete stop, Ms. Loafman was rear ended, causing approximately \$609.00 in property damage to her vehicle. Ms. Loafman drove to an urgent care clinic where she complained of neck pain following the motor vehicle collision. Her pain continued to intensify causing her to seek chiropractic treatment. An MRI revealed a 2 mm broad based right paracentral disc protrusion in her cervical spine. As conservative care failed, Ms. Loafman was referred to an orthopedic spine surgeon who recommended epidural steroid injections, radiofrequency ablation, and, ultimately, an anterior discectomy and fusion or disc replacement.

The initial offer received from USAA was for \$19,750.00, focusing on the low impact nature of the collision. USAA refused to offer any additional money prior to filing suit. After filing suit and litigating the case for approximately nine months, Attorney Scott Alpizar recommended Ms. Loafman file a Proposal for Settlement for \$250,000.00, which USAA accepted to settle her case.

Brevard's Choice For Over 40 Years

COMMUNITY *Support*

Brevard Bar Foundation - Community Leader of the Year

John Alpizar was the keynote speaker at this year's Annual Brevard Bar Foundation Dinner where Jim Vickaryous and his wife Jen Ferguson received the foundation's Community Leader of the Year award. John reported that the foundation's endowment is now self-sustaining to fund annual charitable gifts and none of the money raised by the Brevard Bar Foundation is spent on overhead expenses.



Pictured from left to right: John Alpizar, Janna Alpizar, Cynthia Scott, Alexa Moia, Scott Alpizar, David Alpizar, Rebecca Alpizar



17th Annual Florida Puerto Rican Hispanic Chamber Gala

On Saturday, June 15, 2019, Alpizar Law LLC was honored to receive the Humanitarian of the Year Award presented by the Florida Puerto Rican Hispanic Chamber of Commerce. David Alpizar accepted the award on behalf of Alpizar Law.

17th Annual Have A Heart Extravaganza

Alpizar Law LLC was honored to once again sponsor Candlelighters's Annual Have A Heart Extravaganza. Candlelighters provides support and services to local families battling pediatric cancer. The firm's attorneys and their spouses enjoyed a night of fun, food and camaraderie, with the event raising over \$230,000.00. Candlelighters reported that this will allow them to double the major services they provide, add four new programs and expand their reach into Indian River County.



Pictured from left to right: Rebecca Alpizar, David Alpizar, Janna Alpizar, John Alpizar, Jaime Alpizar, Scott Alpizar, Alexa Moia, Kevin Moia

Alpizar Law Gives Back to the Community with 700 Thanksgiving Turkeys

On November 23, 2019, Alpizar Law hosted its 7th Annual Thanksgiving Turkey Giveaway at its office located at 1528 Palm Bay Rd. NE, Palm Bay, Florida. Charitable support and a spirit of giving has always been an important and rewarding part of our business at Alpizar Law. We were thrilled to be able to positively touch so many people in this community we call home.

This year 700 turkeys were given away, a flat screen television was raffled off along with several other holiday gifts. The winner of the flatscreen TV stated her television had just recently quit working and she needed to replace it. Congratulations!

This is a special event for Alpizar Law and would not have been a success without the hard work from our staff, friends and volunteers. We are also grateful for our community supporters for helping spread the word and share in this wonderful day. We were truly blessed with the opportunity to help so many people this year and were humbled by the response of genuine thanks and gratitude expressed by so many people. Alpizar Law wants to thank each person who showed up for providing inspiration, touching our lives and leaving a lasting memory in our hearts.

It is a real honor to be BREVARD'S CHOICE in our community! We're Here for You!



*Merry Christmas and a
Happy New Year!*



Giving Back to the Community is a Foundational Principle at Alpizar Law

Projects and events also supported this year include:

The Children's Hunger Project

Combat Veteran's Motorcycle Association 2nd Annual Bowling Fundraiser

Circles of Care - Friends of Sally's House

The Cambridge Impronauts Florida Charity Tour

The Children's Home Society

Junior Achievement of the Space Coast

3rd Annual Delaura Dash

53rd Annual Grant Seafood Festival

17th Annual Grant BBQ Festival

Micheal Gene Kids Basketball Foundation

Bayside High School – Court Kingz

The Haven Guild Bowling Fundraiser

6th Annual Toys for Kids "Toy Ball"

Operation Hope



O. John Alpizar Selected as Central Florida ABOTA's 2019 Trial Lawyer of the Year

Alpizar Law is pleased to announce that attorney O. John Alpizar has been selected as the 2019 Trial Lawyer of the Year by the American Board of Trial Advocates Central Florida Chapter (CFLABOTA). Trial Lawyer of the Year is given to an attorney who meets specific criteria by demonstrating the quality of being an excellent advocate, achieving a distinguished career, displaying a superb reputation of high ethics and fair play, and obtaining outstanding results for their clients. Mr. Alpizar was selected for membership in CFLABOTA in 2007. He has served in all capacities of the Executive Board of CFLABOTA, including President in 2014. Mr. Alpizar was recognized at the CFLABOTA luncheon on November 12th in Orlando, Florida.

The American Board of Trial Advocates (ABOTA) was founded in 1958 and is dedicated to defending the American civil justice system. ABOTA is made up of only 6,700 experienced lawyers in the country representing plaintiffs or defendants in civil cases. Invitation into the organization requires a member to exhibit the principles of courtroom civility, integrity and professionalism, and demonstration of proficiency and competence in the courtroom. CFLABOTA was established in 1997 and is one of the largest and most prestigious ABOTA regions in the country. Admission into ABOTA is a true honor for individuals of stellar character and in-depth experience within the legal profession.



ALPIZAR LAW_{LLC}

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

Accolades



David Alpizar serves on three professional boards; the Brevard County Bar Association, Central Florida Trial Lawyers Association and as the immediate past president of the Vassar B. Carlton American Inn of Court. David Alpizar was recently accepted for membership in the Million Dollar Advocates Forum. Membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements. There are over 4,000 members throughout the country and less than 1% of U.S. lawyers are members.

John Alpizar has served on the Brevard County Bar Foundation, is past-president of the American Board of Trial Advocates, Central Florida Division, and just finished his sixth and final year as the representative of the Florida Bar Board of Governors for the 18th Circuit, representing Seminole and Brevard counties.



Scott Alpizar currently serves as President-Elect of the Young Lawyers Division Board of the Brevard County Bar Association. Scott is a member of the Harvard Alumni Association and the Vassar B. Carlton American Inn of Court. Scott has been selected for the 2019 Florida Rising Stars list by Thomson Reuters Super Lawyers.