Defense Verdict in Bifurcated DUI/Punitive Damages Trial
September 4, 2019

Ken M. Oliver, of the Ft. Myers office, obtained a defense verdict in Collier County where the client pled no contest to DUI, leaving the scene, and resisting arrest. As a result, punitive damages were sought. The first of many battles was to convince the Court to bifurcate the compensatory and punitive stages. Then, he fought and was successful in keeping out any reference to the bad acts of the client during every portion of the compensatory stage, including jury selection. Settlement efforts were in vein due to extreme costs incurred by Plaintiff's counsel. Ken was able to show the jury the litigious nature of the Plaintiff, which included a Letter of Protection signed by Plaintiff counsel the day after the accident. There was also favorable surveillance that revealed Plaintiff's ability to exercise after painting a very different picture for her treating doctors.

After four days of trial and a demand to the jury of over $700,000, they awarded only past medicals of $35,000, the amount suggested in closing. After set-offs and collateral sources, the next verdict was 25% less than the proposal for settlement filed, creating exposure to attorney's fees and costs. The trial then turned to the punitive damages portion where our client, who had since completely turned her life around, was completely humiliated by the attacking of her past mistakes and personal medical history. As a result of all of the above, the parties agreed to settle the case for net, unpaid medicals of $23,000, walking away from all other claims and appeals.