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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
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The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment

In title, delete lines 9 - 88
and insert:

WHEREAS, on April 17, 2007, 36-year-old Javier Soria was lawfully traveling on his motorcycle northbound in the center lane on SR 807 in Delray Beach in the 200 block of South Congress Avenue, and

WHEREAS, at the same time, an employee of Palm Beach County, Juan Sepeda Casas, was driving a Palm Beach County dump



11 truck with a utility trailer in tow, and

12 WHEREAS, as Mr. Casas exited the Palm Beach County
13 maintenance complex, he failed to stop at a stop sign, pulling
14 out into the path of Mr. Soria and causing a violent collision
15 between the two vehicles, and

16 WHEREAS, the Palm Beach County truck continued forward,
17 dragging Mr. Soria and the motorcycle under the dump truck for
18 approximately 12 feet, and

19 WHEREAS, Mr. Casas was charged in the accident by the
20 investigating law enforcement agency, the Delray Beach Police
21 Department, and

22 WHEREAS, as a result of the collision, Mr. Soria sustained
23 severe head trauma, including a subarachnoid hemorrhage, a
24 right-elbow fracture, deep lacerations requiring wound
25 debridement, multiple abrasions to his face, hands, legs, and
26 arms, upper-back pain, low-back disc herniation, left-hip pain,
27 right-wrist pain, right-shoulder pain, and a right-knee linear
28 tear that required bracing, physical therapy, and surgery, and

29 WHEREAS, Mr. Soria has undergone numerous surgical
30 procedures, including irrigation debridement with placement of a
31 temporary external fixator across the elbow joint, subsequent
32 removal of the external fixator, and open reduction internal
33 fixation on ulnar fractures, and

34 WHEREAS, Mr. Soria needs additional surgery to his right
35 elbow, including elbow fusion or total elbow replacement;
36 surgeries to his right wrist and shoulder; and arthroscopic
37 surgery to his right knee; and is a candidate for total knee
38 replacement in the future, and

39 WHEREAS, Mr. Soria suffers from multiple neurological



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40 injuries that cause chronic headaches, low-back pain, vision
41 problems, sleep disturbance, depression, memory loss, anxiety,
42 dizziness, tiredness, buzzing in the ears, numbness, tingling,
43 and knee pain, which limit his routine daily activities, and

44 WHEREAS, according to American Medical Association
45 guidelines, Mr. Soria's treating neurologist, Dr. Waden Emery,
46 has assigned him a 31 percent impairment rating with 5 percent
47 for headaches, 14 percent for lumbar radiculopathy, 5 percent
48 for insomnia, and 10 percent for anxiety, and

49 WHEREAS, Mr. Soria's treating orthopedist, Dr. Fernando
50 Moya, has assigned him a 39 percent whole person orthopedic
51 disability impairment rating, which includes 36 percent for
52 injuries to the right elbow, 6 percent for injuries to the right
53 knee, 6 percent for injuries to the lumbar spine, and 5 percent
54 for injuries to the right wrist, and

55 WHEREAS, Mr. Soria's medical expenses have totaled
56 approximately \$200,254, and experts in life care planning and
57 economics have determined that his future medical expenses are
58 approximately \$640,000, and past and future lost earnings total
59 approximately \$478,000, with total economic damages exceeding
60 \$1.3 million, and

61 WHEREAS, Mr. Soria's injuries resulted in permanent
62 cognitive impairment, with the neuropsychological assessment of
63 Dr. Robert Brick concluding that Mr. Soria suffers from post-
64 traumatic stress disorder, memory loss, poor management and
65 organizational skills, mood swings, daily headaches, constant
66 ringing in his ears, insomnia, panic attacks, and amnesia that
67 require cognitive therapy, and

68 WHEREAS, Mr. Soria continues to suffer from pain and



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69 instability in his head, neck, back, body, and limbs and, in
70 addition, continues to suffer from severe depression brought
71 about by his pain, suffering, disability, and limitations, all
72 of which are a direct result of the accident, and

73 WHEREAS, before the accident, Mr. Soria was in excellent
74 physical condition and had dreams of one day opening his own
75 martial arts studio and becoming a certified martial arts
76 instructor, and

77 WHEREAS, Mr. Soria's three children have a corresponding
78 right of action and claim given that Mr. Soria is now
79 permanently disabled with physical limitations and injuries and
80 cognitive restrictions and depression that limit his ability to
81 provide the companionship and support that he was once capable
82 of providing his family, and

83 WHEREAS, a settlement was reached between Mr. Soria, his
84 three children, and Palm Beach County in the amount of \$300,000,
85 which is in addition to an \$1,800 property damage claim
86 previously paid by Palm Beach County related to the accident,
87 and

88 WHEREAS, Palm Beach County paid the claimants a total of
89 \$200,000 under the statutory limits of liability per occurrence
90 set forth in s. 768.28, Florida Statutes, which fully satisfied
91 the loss of consortium claims of each of the three children, and
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