

\$6.7 Million Jury Verdict in Food Poisoning Case

A Florida jury returned a \$6.7 million verdict for Angel and Maria Martinez after Mr. Martinez suffered severe nerve damage from eating contaminated seafood at Lobster Haven Seafood Market and Shanty, a restaurant located in Tampa, Florida.

In December of 2013, Mr. Martinez and his wife of more than thirty years visited Lobster Haven where they ordered their usual: a dozen raw Blue Point oysters and a couple of 3-lb. lobsters. By the time they arrived home that night, both began suffering from gastroenteritis. Mrs. Martinez was sick for a few days, but Mr. Martinez's illness lasted more than a week.

While the food poisoning was certainly unpleasant, the Martinez's nightmare was just beginning. They didn't know it at the time, but as Mr. Martinez recovered from his food poisoning, his immune system was quietly chewing into the myelin sheath that protects the nerves of the body's peripheral nervous system.

By early January, Mr. Martinez was having trouble standing. After several trips to Pasco Regional Medical Center, he was transferred to Tampa General Hospital where he would remain for the next 43 days. The doctors at Tampa General diagnosed Mr. Martinez with Guillain-Barre syndrome (GBS), a rare condition that can develop following a severe infection. GBS is an autoimmune disorder in which a person's own immune system attacks the nerve cells in the peripheral nervous system. The resulting nerve damage can cause muscle weakness, severe cramping and paralysis.

GBS is an acute disorder, meaning it comes on rapidly, and only lasts a short time. Through hard work and perseverance, Mr. Martinez regained his motor functions, and taught himself to walk again. However, Mr. Martinez did not make it all the way back. As is the case with many GBS patients, he was left with severe permanent nerve damage throughout his body, changing his life forever.

Attorneys Dan Shapiro and Christopher Donegan of the defense firm Cole, Scott & Kissane P.A., who represented Lobster Haven in the case, argued that while the seafood from Lobster Haven did cause the plaintiffs' food poisoning, it was not the cause of Mr. Martinez's subsequent GBS.

The plaintiffs were represented by Swope, Rodante P.A. attorneys Brandon Cathey, Brent Steinberg and Daniel Greene, who argued that the defective seafood was a legal cause of Mr. Martinez's permanent nerve damage.

The defendant's insurance carrier which provided \$1,000,000 in liability coverage to Lobster Haven, served proposals for settlement to the plaintiffs totaling only \$20,000.

After a three day trial and only one hour of deliberation, the jury returned a verdict in favor of the Martinez's totaling \$6.7 million -- \$6.3 million of which was non-economic damages.

About Swope, Rodante P.A.

As advocates of justice, Swope, Rodante P.A. is dedicated to fighting for the underdog, protecting our client's rights, and recovering compensation for clients to help rebuild their lives.

Founded in 1979, Swope, Rodante P.A. has grown to meet the unique needs of our clients and the challenges of today's legal environment. The firm's attorneys focus is complex litigation, insurance bad faith and catastrophic injury cases which include brain and spinal cord injuries.

With a Tampa office located in the historic Florida Brewery building, Swope, Rodante P.A. handles complex litigation across the Southeast and Nationwide.

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FOR IMMEDIATE RELEASE 5/31/18