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Steven Adamsky
Photo by Melanie Bell



Noah Bender

Case: Maria M. Edgar v. Ocean Reef Club and Fred Woodward III

Case no: 08-53528

Description: Negligence

Filing date: Nov. 3, 2008

Trial dates: Feb. 22-March 7, 2011

Jury decision: No negligence

Judge: Broward Circuit Judge Mily Rodriguez-Powell

Plaintiff attorney: Stephen P. Befera, Befera Law Firm, Miami; Ronald M. Simon, Simon & Bocksch, Miami

Defense attorneys: Steven R. Adamsky and Noah S. Bender, Mitrani Rynor Adamsky & Toland, Weston

Details: William Edgar, 55, was riding on the back of an overloaded golf cart at Ocean Reef Club in Key Largo on the evening of July 11, 2008. Driver Fred W. Woodward was going the wrong way in a parking lot and made a sharp turn to park in an angled parking slot. As he was pulling to a stop, Edgar fell to the ground and hit his head. Edgar got up with a scrape on the back of his head. He was encouraged to get medical attention but refused.

Early the next day, Edgar started vomiting and became unresponsive. After some delay, he was airlifted to Jackson

Memorial Hospital. He arrived in a coma, and a CT scan showed bleeding in the brain was destroying the motor cortex and brain stem. He was later declared brain dead.

Plaintiff case: His widow, Maria M. Edgar, filed a wrongful death lawsuit in Broward County, where she lived, on behalf of herself, the estate and Edgar's daughter, Colleen Edgar. She claimed Woodward negligently operated the golf cart, and Ocean Reef Club was vicariously liable for letting Woodward operate a dangerous vehicle.

Woodward knew Edgar was on the back of the cart and it had too many people with five passengers. He handled the vehicle in a reckless manner, particularly on the parking turn.

Maria Edgar claimed the sharp turn caused her husband's fall, which caused his fatal injury. She sought \$3.8 million in damages.

Defense case: Edgar's fall was a medical event unrelated to Woodward's driving. Amy Fernandez, the passenger with the best view of the fall, testified Edgar went limp as he fell and made no attempt to cushion his fall. He lay on the ground glassy-eyed and took 20 seconds to recover his senses.

Edgar's medical history included numerous open-heart surgeries and other health problems. He was on Coumadin, Plavix and aspirin. His cardiologist, Augusto Villa, testified the circumstances of the fall were symptoms of seizures that Edgar had experienced before.

Edgar was under strict doctor's orders to have any head trauma immediately checked. Malcolm Bullock, chief of neurology at Jackson, said it was "crazy" for Edgar not to have seen a doctor right away.

His spouse, despite knowing the risks, hesitated in calling an ambulance and turned down two offers from the resort bellman.

Outcome: Following closing arguments, a six-member jury deliberated for 75 minutes before returning a verdict in favor of the defense. The jury found Woodward was not negligent in his handling of the cart. However, before the jury began deliberations, the parties entered into a high-low agreement setting a floor and a ceiling on damages regardless of the jury's decision.

Quote: "It was a difficult case to win because we had to convince the jury that this was a medical event. They had to believe the driver was not at fault. Even though this guy was going the wrong way in the parking lot, that turn was not the cause of the fall," Steven Adamsky said.

Post verdict: Stephen P. Befera, lead attorney for Edgar, said the high-low agreement allowed his client to leave the trial with more than \$200,000, although he would not specify the exact amount. Both sides waived their right to appeal as a condition of the high-low accord.

"I think it was an extremely difficult liability case because of the fact that the decedent was standing on the back of a golf cart at the time he fell," Befera said. "Moreover, on the issue of causation, he suffered from an intercranial bleed while on Coumadin, which is an anticoagulant he was required to take for the proper function of an artificial heart valve. Death could have been prevented if he had gotten treatment sooner."