

DAILY BUSINESS REVIEW

Jury Returns Ex-Florida A&M Football Player \$66M in Damages

by Michael A. Mora

Jurors awarded a former football player at Florida A&M University an eight-figure verdict after his lawyers illustrated the “depth of the loss” he experienced after becoming paralyzed when a driver careened into his motorcycle.

Christopher M. Drury and Benjamin James Lucas, attorneys based in Coral Gables, represented the plaintiff, Nardino Dargenson, who alleged that he became “permanently and totally disabled” from a July motor vehicle crash operated by the defendant, Demetrius Cooper.

“It’s rare that you are dealing with a case where someone sustained so much trauma and was in such amazing physical condition before,” Drury said.

And at the end of Dargenson’s testimony at trial—as a photograph placed before the jurors showed his client in South Beach shirtless standing on the rocks—Drury said they “wheeled him



“The most powerful way to achieve large verdicts is for the jury to understand pain and suffering, what someone has and what that means to them,” said Christopher M. Drury, left, of Drury Law, who was aided by Benjamin James Lucas, right.

down from the stand to a position next to the jury box and he showed the jury his scars.”

“You have to take the jury to that place where they understand all the things

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that this person was and all the things that this person will never be again, and that the pain will continue for the rest of his life because they'll never get back," Drury added.

Meanwhile, Cooper, who did not have counsel listed in the case before Broward Circuit Judge Fabienne E. Fahnestock, failed to "file any paper or responsive pleading," court documents show. As a result, Fahnestock entered a default judgment in favor of Dargenson. The judge later ruled that a jury should determine the monetary amount of damages to award Dargenson.

Now, the jury awarded Dargenson over \$66 million in compensatory damages, according to Fahnestock's final judgment order, based on the one-day trial in which jurors took less than 45 minutes to deliberate before returning the verdict.

And the verdict consisted of three-fold damages.

First, for lost earnings, which amounted to \$90,000 for past earnings and \$3 million for future earnings; second, for medical expenses, which were \$1.5 million for past medical expenses and \$9.5 million for future medical expenses; and third, for pain and suffering, which were \$7 million for past pain and suffering and \$45 million for future pain and suffering, per the verdict form.

The dispute dated back to July when Cooper smashed his purple Nissan Maxima into Dargenson's Yamaha Motorcycle, according to the complaint. Authorities issued Cooper a citation over his failure to yield the right-of-way at an intersection. EMS back boarded Dargenson as they transported him to Broward General Hospital.

The resulting 12 surgeries cost over \$1.45 million, leaving Dargenson bedridden and requiring around-the-clock care, court documents show. Dargenson's 71-year-old mother, a former nurse, has taken care of her son, despite having medical problems herself.

Dargenson sued Cooper, who failed to respond to the complaint, court documents show. Fahnestock entered a default judgment in November. The attorneys strategized that at trial, they had to immediately set the tone for the exhibits and testimony that the plaintiff would present that day.

During opening statements, Lucas told the jurors that when emergency medical services arrived, Dargenson had a throat puncture wound and was gurgling blood, as well as several additional severe injuries. Lucas then "creatively used the medical records" organized in five binders about six inches thick.

"As I went through the story of what happened to him and described his treatment at Broward General, I took the binders and stacked them one by one in a chair in front of the jury, and their eyes just opened up when they realized what they were," Lucas recalled. "As soon as that was done, the jury knew this was a serious case."

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