

\$5.5M Miami Verdict: Meet the Lawyers Behind the Slip-and-Fall Suit

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BY Lisa Willis | November 08, 2024

A Miami-Dade jury awarded \$5.5 million to Hollywood, California, screenwriter Terrel Seltzer in a slip-and-fall that occurred in South Florida.

In *Terrel Seltzer v. Jorge M. Planas and Casa Landmark LLC.*, Seltzer, who was an invitee to the Miami property where she fell, alleges she encountered – without warning – dangerous changes in elevation of the flooring that led into a modified garage leading to the fall on her face and eventual loss of her eye.

“Defendant Planas had a duty to warn invitees, including Ms. Seltzer, of dangerous conditions on the premises of the aforesaid property, including the dangerous and precipitous changes in the elevation of the flooring that led into the modified garage of the structure on the premises,” the complaint stated.

According to court documents, Planas was running an architecture business at 811 N.E. 71st St. in Miami. Defendant Casa Landmark is the company owned by Planas, according to SunBiz.

In her lawsuit against Casa Landmark LLC., Seltzer was represented by attorneys Todd L. Wallen of Wallen Kelley and Christopher M. Drury of Drury Law Firm Miami.

Drury said he was confident of a win but his greatest challenge was the age of his client.

“The fact that my client was in her 70s ... a jury could certainly think, well, you know, in her 70s, how much longer is she going to work?” Drury said. “She testified that she would have continued writing until she dropped dead. But, that would be a question for the jury in terms of whether that was really going to happen. She was still working in her in her 70s.”

The jury agreed with the premise that Seltzer would indeed have continued working in granting the \$5.5 million award.

Drury said the injury significantly impacted her personal and professional life, as Seltzer is a successful writer known for penning “One Fine Day,” starring George Clooney and Michelle Pfeiffer.

Initially, the lawsuit included Jorge M. Planas, the property’s



Christopher M. Drury of Drury Law Firm. Courtesy photo

homeowner. However, following a \$305,000 policy limit tender from Planas’s homeowner’s insurance, Monarch National Insurance Company, Seltzer signed a release on January 12, 2023, which only applied to Planas. As a result, Planas was dropped from the lawsuit, allowing Seltzer’s claim to proceed solely against Casa Landmark, LLC.

Casa Landmark, LLC initially defended against these allegations, attempting to vacate a judicial

default issued against them. Albert Acuña first represented Casa Landmark, but after Miami-Dade Circuit Court Judge José Rodríguez denied their motions to vacate the default following multiple hearings, including an evidentiary hearing, Acuña withdrew as counsel. Subsequently, attorney Sean Patrick Perez took over as Casa Landmark’s representative at trial.

“Regrettably, I was retained after a Default on Liability was

entered against Casa Landmark,” said defense attorney Sean Patrick Perez of Law Offices of Perez & Perez, PA. “This was a trial on damages only. My hands were tied. There is no applicable insurance. There are no appeals.”

Perez noted the plaintiff was a good witness, and opposing counsel and he got along.

“The plaintiff is a famous Hollywood screenwriter and she did well on the stand,” Perez said. “The injury (loss of an eye) is tragic. The Trial was one day. I appreciate Judge Rodriguez and his patience. The Plaintiff’s counsel was a gentleman. I wish her well.”

At trial, Seltzer’s attorneys presented evidence emphasizing the toll her injury has taken on her career and quality of life. They argued that the blindness in her right eye not only caused immense physical and emotional distress but also impaired her ability to work in the visual, detail-oriented field of screenwriting.

Why such a large jury verdict?

The injury’s impact on her career as a Hollywood screenwriter underscored the depth of the loss, as Seltzer’s work is integral to her professional identity and success, Drury said.

“In presenting the damages, what I focused on was trying to convey to the jury that this wasn’t just the loss of an eye,” Drury said. “This impacted her ability to do what makes her who she is. It took away her essence as a person, that made her depressed. So it wasn’t just a disfiguring and extremely painful and obviously disabling injury, from just an objective standpoint, regardless of who it happened to, but because it happened to her as a writer, it destroyed that whole aspect of her life.”

The substantial jury award underscores the court’s stance on premises liability and the duty of property owners to ensure safe conditions for visitors.