

Jury Renders \$30.6 Million Verdict Against Broward Sheriff's Office

A Broward County jury rendered a \$30,609,298 verdict against the Broward Sheriff's Office and in favor of the guardianship of 25-year-old Eric Brody, and his parents, Charles and Sharon Brody, of Sunrise, Florida. SDSBS partners Lance Block and Sean Domnick tried the case before Chief Administrative Judge Thomas Lynch IV, of the 17th Judicial Circuit in Fort Lauderdale. The verdict was reached on December 1, 2005, after a two-month trial.

The case was brought after then 18-year-old Eric Brody was brain injured because of a side impact automobile collision with a speeding police cruiser driven by Deputy Christopher Thieman on the evening of March 3, 1998. Eric Brody, a graduating senior attending Piper High School, was returning home from his part-time job at the Sawgrass Mills Sports Authority, driving his 1982 AMC Concord eastbound on Oakland Park Blvd. In the meantime, Deputy Thieman, who had minutes earlier left his girlfriend's house, was driving his 1996 Ford Crown Victoria police cruiser in excess of the posted speed limit of 45 mph, without a siren or lights, westbound on Oakland Park Blvd. The Brodys argued that Deputy Thieman had less than fifteen minutes to travel eleven miles and was running late for roll call, although Thieman denied he was late.



Above, Eric Brody's AMC Concord with its severely smashed side showing the impact from the cruiser.

When Eric attempted to make a left hand turn onto N.W. 117th Avenue into his neighborhood, he cleared two of the three westbound lanes on Oakland Park Blvd. But Deputy Thieman, who had been traveling in the inside westbound lane closest to the median, steered his vehicle to the right, across the center lane and into the far side, outside lane, where the front end of his car struck the passenger side of Eric's car near the passenger door. At trial, Deputy Thieman testified he could not recall how fast he was traveling. However, experts for both sides opined that the BSO cruiser was traveling between 60 mph and 70 mph before impacting Eric Brody's car. Eric was found six minutes later by paramedics, unconscious, his head and upper torso leaning upright and toward the passenger side door, and out of his seatbelt.

Eric Brody was flown from the scene by emergency helicopter to Broward General Hospital where he was placed on a ventilator for breathing and underwent an emergency craniotomy to reduce brain swelling.

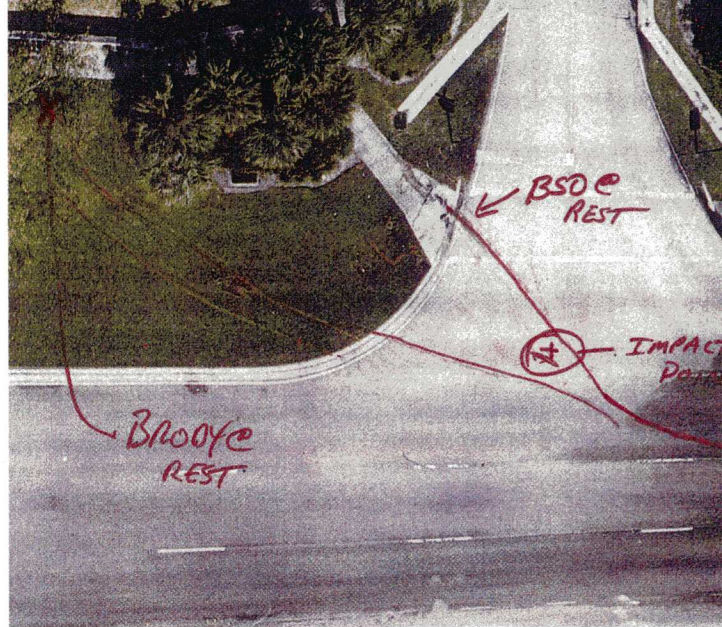
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Speeding to work, Broward Sheriff's deputy causes crash resulting in permanent injuries to young man

(Continued from page one.) Radiology studies confirmed that Eric had suffered a fractured skull and subdural bleeding. Eric remained in a coma for six months followed by extensive rehabilitation that included re-learning to walk and talk. Today, Eric lives at home with his parents. He suffers from diffuse axonal injury, which means that his brain was injured due to traumatic acceleration-deceleration sheering. His speech is difficult to understand, and he has memory loss and some cognitive dysfunction. Eric also has impaired fine and gross motor skills. He is able to use a walker only for short distances, but mostly uses a wheelchair to get around. Eric needs assistance with many of his daily functions, and is permanently and totally disabled.

In their lawsuit, the Brodys alleged that Deputy Thieman was negligent in the operation of his vehicle by driving too fast and by steering his vehicle two lanes to the right where the impact occurred. In reconstructing the accident, the Brodys' experts determined that had Deputy Thieman simply remained in the inside lane instead of steering to the right, there would have been no collision. The BSO alleged that Eric was at fault because he failed to yield the right of way and was not wearing his seatbelt. The BSO argued that had Eric been wearing his seatbelt, he would not have suffered a brain injury.

The Brodys' experts countered that Thieman's excessive speed caused Eric to misjudge the time and distance he had to clear the intersection. As to the seatbelt defense, the Brodys' experts pointed to evidence that Eric was wearing his seatbelt, and said that the belt probably unlatched due to the force of the impact. Also, the Brodys' experts conducted an expensive and sophisticated car-to-car crash test. They used vehicles that were identical to the actual crash, with an instrumented Hybrid III dummy and high speed cameras placed in the 1982 AMC exemplar. The crash test demonstrated that given the severity of the real crash and the significant amount of intrusion into the occupant compartment, Eric would have suffered a serious head injury regardless of whether he was wearing a seatbelt.



Above, aerial of crash site shows paths of both Eric's car and Sheriff's cruiser after impact.

The Broward County jury, made up of three men and three women, found that Deputy Thieman and the Broward Sheriff's Office were 100% responsible for Eric's injury, and determined that Eric Brody was not comparatively negligent.

During the trial, Deputy Thieman was under indictment for allegedly falsifying police reports and was suspended from the force. The jury was never informed of the charges or the suspension. The jury was also not allowed to hear evidence that Deputy Thieman had caused a prior serious accident with injuries while operating a BSO vehicle, and that the Department had never taken corrective action. Consequently, the Brodys' negligent supervision and negligent entrustment counts were stricken before trial. Additionally, the BSO conducted the official traffic accident investigation, despite the obvious conflict of interest. In the official Florida crash report, which was not admitted into evidence even though it was not filed for nearly a year after the accident, the BSO investigator incredibly concluded that had Deputy Thieman been traveling the speed limit, Eric Brody would have been even "more seriously injured." That opinion, among others, was so ridiculous that the BSO attorneys didn't even call their own traffic investigator to testify at the trial.

On February 21, 2006, the trial court denied the BSO's post-trial motions for judgment notwithstanding the verdict, new trial, and/or remittitur. ■

**\$30.6 Million
Verdict:**

**SPEEDING SHERIFF'S
CRUISER PERMANENTLY
INJURES 25-YEAR-OLD**