



Jury Verdicts & Settlements



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Duo successfully shields Crobar nightclub against suit by man who danced off platform

Case: William Reed v. 1445 Washington Inc.

Case No.: 06-26603CA22

Description: Premises liability

Filing date: Dec. 11, 2006

Trial date: Feb. 5-8, 2008

Judge: Miami-Dade Circuit

David Miller

Plaintiff attorney: Judd

Rosen, Goldberg & Rosen, Miami

Defense attorneys: Paul

Totten and Dale Hightower,

Hightower & Partners, Miami

Details: William Reed, a Fort Lauderdale nightclub employee in his early 30s, went to South Beach nightclub Crobar and danced off an elevated platform in June 2005.

He fell 3 to 4 feet from the dance platform to the floor and tore a meniscus in one knee, which required surgery.

Reed sued the nightclub operator 1445 Washington Inc. During the proceedings, the judge issued sanctions in late January against the defense for failing to provide expert information to the plaintiff.

Plaintiff case: Rosen argued the elevated dance floor was dark and hazardous. He said the nightclub should have made it safer by installing railings or parameter lighting.

The defense claimed Reed was intoxicated, but Rosen said there was no evidence that he was.

Defense case: The defense argued Reed danced on the stage on his own volition and fell because he was too involved in his dancing to pay attention to the edge of the platform.

Outcome: After deliberating for three hours, the jury decided the nightclub was not liable for Reed's injuries.

Comments: "I feel really bad for what happened to my client and was hoping



Paul Totten, left, and Dale Hightower argued the plaintiff was too involved in his dancing to pay attention to the edge of the platform. Crobar is in the Cameo Theater.

for a different outcome for his sake," Rosen said. He said his client had a "common injury for athletes, but it hurt him a lot and he had a lot of medical bills."

Reed's complaint was that "the nightclub was dark and the fog machine was on — something everyone knows is in every nightclub and that's why you go there," Hightower said. "You have to be more careful when you walk up on a platform that you know where the edge is and you don't dance off the side of it."

Post verdict: Rosen filed a motion for

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a new trial, claiming a member of the defense team used his camera phone to film Reed at the courthouse during a trial break. Rosen said a juror noticed, and it was brought to the attention of the judge. The motion is still pending. He would not comment on a possible appeal. ■

— Jordana Mishory