

# Daily Business REVIEW

TOP VERDICTS

LAW • REAL ESTATE • FINANCE

September 14, 2004

## ACCIDENT IN HOTEL DRIVEWAY LEADS TO \$2.59 MILLION AWARD

**Case:** Alexandre Husni and Verna Husni v. Swire Brickell Key Hotel Ltd.; Swire General Hotel, Inc.; Mandarin Oriental Miami Inc.; Mandarin Oriental Hotel Group International Ltd.; Mandarin Oriental Management (USA) Inc.; Central Parking System of Florida Inc.

**Case no.:** 02-20744CA32, Miami-Dade Circuit Court

**Description:** Personal injury

**Judge:** Lawrence A. Schwartz

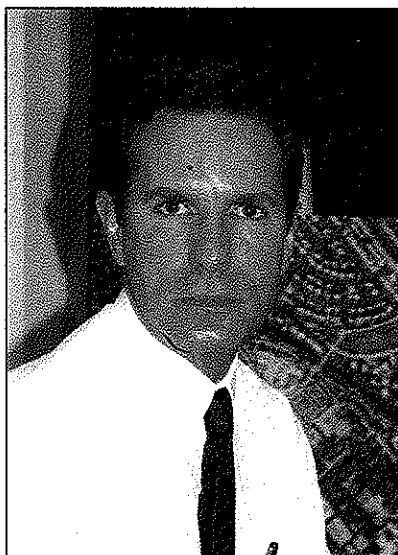
**Filing date:** Aug. 15, 2002

**Trial date:** Aug. 17, 2004.

**Plaintiff attorney:** John H. "Jack" Hickey, the Hickey Law Firm, P.A., Miami.

**Defense attorney:** Samuel S. Lewis, partner, and Gregory Reed, associate; Marlow Connell Valerius Abrams Adler & Newman, Coral Gables.

**Details:** Alexandre Husni, a 62-year-old Brazilian lawyer, was visiting the Mandarin Oriental Hotel in Miami on March 23, 2002, when his left leg was crushed between two cars in a crash in the hotel's driveway that was caused by a valet car-parker. A hotel security camera videotaped the accident and showed that the valet was driving a guest's BMW with the driver's



John H. Hickey represented the student injured in scavenger hunt.

door open and his left foot dangling outside as his right foot got stuck between the brake and the accelerator. The BMW rear-ended a car about 10 feet away, pushing it against the back of Husni's rental car just as Husni was getting something from the trunk. Husni suffered a fractured femur and tibial plateau, as well as ligament damage, and underwent surgery at Cedars Medical Center in Miami. He still experiences pain and swelling, and he walks with a slight limp.

**Plaintiff's case:** By contract, the Mandarin Oriental retained "direct overall supervisory powers" over its valet parking service, Central Parking of Florida Inc., but failed to exercise that power. Also, despite a duty to provide a safe driveway area, it failed to train the valet drivers, provide them with rules and regulations, or put a stop to their hazardous practice of driving with one leg outside an open driver's door.

**Defense case:** Central Parking System defended itself and Mandarin Oriental at trial, said attorney Lewis, who represented both companies. Central Parking admitted liability but sought to minimize Husni's economic damages, he said.

**Outcome:** On Aug. 20, after a three-day trial, a six-person jury awarded \$2.59 million in damages to the Husnis. The Mandarin Oriental hotel entities and Central Parking System of Florida were held jointly liable for the damages. Central Parking, however, indemnified the hotel, and the valet company's insurer, First Specialty Insurance Co. of Kansas City, Mo., is set to pay the verdict. ♦

— Dan Christensen