

INSIDE

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## ■ FLA. JURY AWARD

# \$8.2 million for athlete's toe amputation

The company hit with the verdict was not present at the trial.

By Dee McAree  
STAFF REPORTER

A FLORIDA JURY has awarded \$8.2 million in the case of a toe amputation that helped sink the career of a promising high school basketball player.

The award, among the highest of its kind in Florida, came against a company that was not represented at trial, and is owned by the plaintiff's uncle, according to plaintiff's counsel Diana Santa Maria, a Ft. Lauderdale, Fla., solo practitioner.

The plaintiff, Charles McCoy Jr., was 16 years old and working as a day laborer in a warehouse in Deerfield Beach, Fla., owned by Publix Supermarket when a 40-pound pallet fell on his foot, slicing off his big toe.

McCoy had been a standout high school athlete with a shot at college basketball scholarships before the injury. His complaint alleged that he underwent numerous surgeries and suffered chronic infections that thwarted his plans for college and full-time employment.

McCoy sued both Publix and Big Foot Enterprise, the temporary staffing agency that retained him and other "lumpers" to provide manual labor at the warehouse.

Publix settled before trial for an undisclosed amount. Big Foot, a company owned by McCoy's uncle, was hit for \$8.2 million. Santa Maria said her client will pursue its insurance carrier to collect the verdict.

### Trial defense lacking

Neither Big Foot nor its insurance carrier, Nova Casualty, had defense counsel present at trial. Spokespersons for Big Foot and the insurance carrier were not available for comment.

Peter E. Abraham of Miami's Freud, Abraham & Schwartz represented the company at the onset, but claims he withdrew as counsel for reasons he did not wish to disclose.

Big Foot's current counsel remains a mystery. "I don't think anybody did or does represent them, and that's why she got such a big verdict," said Abraham.

Santa Maria disagrees, and said she



DIANA SANTA MARIA:  
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doubts that having defense lawyers at the trial would have changed the outcome.

"On damages alone there is not much they could have said," she asserted. "There's nothing to exaggerate here."

Santa Maria called the verdict "very fair" and said the jury appreciated McCoy's pain and suffering over the last six years.

According to her, the most poignant point in the trial was when McCoy sat in front of the Broward County jury and put his foot up. "Once he took off his shoe, the energy in that courtroom changed,"

she said.

The jury, which took one hour to reach its verdict, awarded the bulk of the damages, more than \$7 million, for past and future pain and suffering.

McCoy, 22, has already had six surgeries and must undergo a future procedure to amputate the top half of his left foot. According to expert testimony, he cannot walk on grass or go to the beach.

*McCoy v. Big Foot Enterprise Corp.*, No. 98-10252(08) (Broward Co., Fla., Cir. Ct.). **NLJ**