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Chicago attorney obtains \$2.3M verdict in Florida death lawsuit

BY MARC KARLINSKY*Law Bulletin staff writer*

A Chicago law firm has won a \$2.3 million verdict in a Florida wrongful-death case.

The jury in Ocala, Fla., federal court found last week that two Marion County sheriff deputies used excessive force against 21-year-old Joshua Salvato of Summerfield, Fla., during a *Terry* stop on the side of a road in July 2012.

After stopping Salvato, who was walking along a state highway following a disturbance call, deputy Lauren Miley called for backup as she was questioning him. A second officer, deputy Norman Brown, arrived and approached with his gun drawn before tackling Salvato.

Salvato resisted and escaped Brown's grip. As he moved away, Miley drew her service pistol and shot him in the abdomen and handcuffed him. While Salvato was cuffed and bleeding, Brown fired his stun gun at him 12 times in the few minutes before he died.

Salvato's estate filed a lawsuit in federal court against the officers and Marion County Sheriff Chris Blair, alleging the officers used excessive deadly force and violated Salvato's constitutional rights.

The estate was represented by Antonio M. Romanucci and Angela P. Kurtz of the Law Offices of Romanucci & Blandin and Florida-based attorneys Theodore J. Leopold of Cohen, Milstein, Sellers & Toll PLLC in Palm Beach Gardens and Janet Varnell of Varnell & Warwick P.A. in Lady Lake.

Romanucci said Leopold recruited his firm to serve as a co-lead counsel after working similar cases in Illinois and other states.

Romanucci said the officers needed clear evidence of physical resistance before subduing Salvato.

"The shooting was captured on the dash cam, however, the tasing was not," Romanucci said. "We had an uphill climb proving all the elements we needed on the excessive force in the tasing."

Force becomes excessive after a suspect is stunned once, Romanucci said. After the eight-day trial before U.S. District Judge William Terrell Hodges, the jury agreed.

As part of its verdict, the jury answered an interrogatory that could impact law enforcement practices throughout Florida by finding that Blair ratified the deputies' actions by failing to conduct an investigation.



Antonio M. Romanucci

It's one of only a few instances ever in Florida police-misconduct cases in which a jury has made that finding, Romanucci said.

Blair was represented by John M. Green Jr. of Ocala; Miley was represented by Walter A. Ketcham Jr. of Grower, Ketcham, Rutherford, Bronson, Eide & Telan P.A. in Orlando, Fla.; and Brown was represented by Bruce R. Bogan and Melissa J. Sydow of Hilyard, Bogan & Palmer P.A. of Orlando.

Attorneys representing the defendants could not be reached for comment.