

DAILY BUSINESS REVIEW

Tennis player injured in car accident awarded \$2.5 million by jury

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A Dade Circuit Court jury awarded Austrian tennis star Thomas Muster \$2.5 million in damages Wednesday for a Miami auto accident that left him with permanent damage to his left knee.

The verdict was substantially less than the \$10 million to \$20 million Muster's attorneys were seeking from the Lipton tennis tournament, a volunteer driver, General Motors and a Miami man charged with driving under the influence after the 1989 accident.

One of Muster's lawyers, David Gold, of Goldfarb & Gold, said he believed the jury may have "penalized" Muster in its award because although the injury hurt his career, he is now ranked ninth in the world and is expected to earn at least \$2 million this year.

Muster was retrieving his bags from the trunk of the tournament car — driven by volunteer Linda Boyd and supplied by tournament sponsor GM — when the other driver, Robert Sobie, ran into the car and forced it backward, knocking him down and rupturing the ligaments in his knee.

Muster's lawyers, Gold and Alan Goldfarb, argued that Boyd, Lipton and GM were responsible as well as Sobie because Boyd was an incompetent driver who had stopped the car in the middle of the road to let Muster and his coach out at Bayside Marketplace that evening. They told jurors

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that the accident interrupted Muster's career at a critical point — he was ranked 14th and rising and was set to play Ivan Lendl in the Lipton International Players Championships at Key Biscayne the next day.

The accident cost Muster at least \$8 million in tournament appearance fees, endorsement contracts and prize money — and will cost him between \$2.5 million and \$12 million in future earnings, they said.

The six-member jury, however, awarded Muster \$1 million for lost past and future earnings and \$1.5 million for past and future pain and suffering. They found Sobie 90 percent responsible for the accident and Lipton, Boyd and GM 10 percent responsible.

Florida law makes all of the defendants equally responsible for the economic damages, Gold said, but limits the liability on pain and suffering damages to the percentage of responsibility imposed against each defendant. That means Sobie is responsible for \$1.35 million of the pain and suffering, and some undetermined amount of the economic damages.