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Brain injury is worth \$4.5 million

Off-duty cop hit with bottle at SoBe bar

BY JAY WEAVER

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An off-duty Miami Beach police officer who got smacked in the head with a beer bottle at a popular South Beach hangout was awarded \$4.5 million by a Miami jury Tuesday.

Marcos Zelaya, 32, won the judgment after the Miami-Dade Circuit Court jury found the Cleveland Hotel's former owner, U.S. Euro Micro Ven-

tures, at fault for failing to provide adequate security.

"It was a devastating injury, and a justly deserved award," said Zelaya's attorney, Gary Alan Friedman.

Zelaya was assaulted while he was celebrating with two fellow Miami Beach SWAT team academy graduates and their girlfriends the night of May 21, 1998.

According to trial testimony and court records, when the group entered the bar and pool area, a customer grabbed Zelaya's girlfriend's behind. Zelaya, who was in plain clothes, pushed the customer away.

Another customer clubbed Zelaya on the left side of his

temple with the beer bottle. A brawl broke out.

Zelaya was taken to Mount Sinai Medical Center, where the six-inch cut on his head was stitched up. He returned to work a week later.

But Zelaya began suffering dizziness and other medical problems. The Miami Heart Institute performed an MRI and discovered the officer had suffered a depressed skull fracture — bone matter stuck in his brain.

After emergency surgery, Zelaya was out of work for four months. His fellow officers covered his sick pay because he did not injure himself on the job.

When he returned to work,

Zelaya had to do light duty such as background employment checks on police applicants. He could no longer work patrols or SWAT.

"He couldn't cut it," Friedman said. "He was the best in his police academy class and lost all that."

Because Zelaya is still working, the jury awarded him the \$4.5 million for past and future pain and suffering from the injury — but nothing for lost wages. The jury also ordered Euro Micro, which was insured by Lloyd's of London, to pay about \$48,000 for past and future medical bills.

Euro Micro's attorneys could not be reached for comment.