



# Pinellas County

315 Court Street  
Clearwater, Florida 33756

## Staff Report

*Item #31*

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**File #:** 19-1313A, **Version:** 1

**Agenda Date:** 8/20/2019

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**Subject:**

Proposed settlement in the case of James Berry Arthur v. Pinellas County; Circuit Civil Case No. 17-002794-CI-20 - allegations of negligence resulting in personal injuries.

**Recommended Action:**

Consideration of the proposed settlement in the case of James Berry Arthur v. Pinellas County; Circuit Civil Case No. 17-002794-CI-20.

**Strategic Plan:**

N/A

**Summary:**

The above-referenced case is being brought to the Board of County Commissioners for consideration in accordance with the confidential memorandum of August 20, 2019.

**Background Information:**

This item previously came before the Board on June 6, 2017, Legistar item no. 17-877A.

**Fiscal Impact:**

Unknown.

**Staff Member Responsible:**

Jewel White, County Attorney  
Christy Donovan Pemberton, Managing Assistant County Attorney  
Kelly L. Vicari, Assistant County Attorney  
Virginia Holscher, Director, Risk Management

**Partners:**

N/A

**Attachments:**

N/A



## Pinellas County

315 Court Street, 5th Floor  
Assembly Room  
Clearwater, Florida 33756

### Staff Report

**File #:** 19-1313A

**Agenda Date:** 8/20/2019

**Subject:**

Proposed settlement in the case of James Berry Arthur v. Pinellas County; Circuit Civil Case No. 17-002794-CI-20 – allegations of negligence resulting in personal injuries.

**Recommended Action:**

Rejection of the proposal for settlement, and authority to serve proposal for settlement, in the case of James Berry Arthur v. Pinellas County, Circuit Civil Case No. 17-002794-CI-20.

**Strategic Plan:**

N/A

**Summary:**

On August 26, 2016, Plaintiff was injured when the handlebars of his bike became tangled in a vine growing into the sidewalk right-of-way at 200 block of Hercules Ave. Plaintiff suffered injuries requiring a surgery to insert medical hardware, and a second surgery to remove a portion of that hardware. Plaintiff complains of ongoing pain, but has not been treated for injuries related to this accident since 2017. Plaintiff incurred a lien in the amount of \$23,761.26 as a result of this accident.

Plaintiff has submitted a proposal for settlement in the amount of \$150,000.00 to settle his claim.

Risk, County Administrator and County Attorney staff met and recommend that the Board of County Commissioner reject the Plaintiff's \$150,000.00 proposal for settlement.

Staff further recommends that the Board of County Commissioners authorize the County Attorney's Office to serve a proposal for settlement upon Plaintiff in the amount of \$100,000.00 as full settlement of this case.

**Background Information:**

On June 6, 2017, the Board was provided notice of this lawsuit under Legistar item no. 17-877A.

**Fiscal Impact:**

Unknown

**Staff Member Responsible:**

Jewel White, County Attorney

Kelly Vicari, Assistant County Attorney

Virginia Holscher, Director, Risk Management

**Partners:**

N/A

**Attachments:**

N/A