



Department of Risk Management

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MEMORANDUM

To: Jewel White, County Attorney
Paul Sacco, Assistant County Administrator

From: Virginia E. Holscher, Bureau Director of Risk Management

Subject: County Attorney's Office Quarterly Report for October 1, 2018 through December 31, 2018 on claims settled between \$25,001 and \$50,000

Date: January 8, 2019

This is the Annual Report that goes to The Board of County Commissioners to be received and filed for informational purposes only.

There were two (2) General Liability settlements that fell within the quarter and they are as follows:

Claim of Christina Dye, mother of Alysa Saiu - Claim number 1512587

On May 9, 2015, Alysa Saiu, age 8 was riding her Razor Scooter on the road in front of her house with her mother outside monitoring. The front wheel of the scooter encountered a water filled depression in the roadway causing Alysa to pitch forward and land on her face in the road. She suffered the loss of her two front teeth, a number of fractures to the interior surface of her mouth and extensive soft tissue damage. The two front teeth were transplanted and held in place by orthodontic braces but the measure was temporary until she reached adulthood at which time she would need permanent implants. The medical and dental bills totaled \$25,104.20. The claim was initially denied for lack of liability but the plaintiff proceeded to lawsuit. During discovery and mediation the Plaintiff's mother presented exceptionally well and was very sympathetic. Risk Management and the County Attorney's Office evaluated that the graphic photographs of the injuries and video of Alysa's daily painful cleaning of her mouth, which presented a significant exposure to the County should a jury decide in favor of the plaintiff. The case

was settled post-mediation in October 2018 for \$30,000.00.

Claim of Dr. Christopher Hood – Claim number 1820151

On September 19, 2018, Dr. Hood's medical office suffered a large sewer back up due to root intrusion into the County's sewer lateral. The root damage constituted a failure to maintain that portion of the County's sanitary sewer system. The effluent overflowed a toilet in the lobby rest room penetrated a wall and soaked a significant area of the wood laminate flooring that existed throughout the 2100 square foot office. Some floor mounted electrical outlets were also damaged. Repair estimates were obtained and the claim settled for \$29,230.60 November 28, 2018.

There were three (3) Workers Compensation settlements that fell within the quarter and they are as follows:

Claim of John Richmond, Claim #1205522

Mr. Richmond was injured at work when he was walking on a small grate and fell through the grate injuring his leg and left wrist. Mr. Richmond had reconstructive surgery on his left wrist. He eventually separated from the County and moved outside of Pinellas County. Mr. Richmond attempted to seek additional treatment but based on the fact that he had not sought treatment in more than a year the Statute of limitations had run. He obtained an attorney and they filed a petition for benefits seeking authorization for continued care. His physician determined that his wrist did not completely fuse so he was in need of an additional surgery. The argument that the Statute ran because the screws in his wrist were there for no other reason than helping him heal post-surgery could have been decided against us by the Judge because his wrist did not fully fuse. Based on continued litigation as well as potential expenses associated with another surgery it was decided to settle the case. A full and final settlement was reached in the amount of \$40,000.

Claim of Franklyn Seecharan, Claim #1716287

Mr. Seecharan was injured when he was climbing on the back of his truck while he was cleaning up and he slipped off the back of the truck due to the rain. As he fell to the ground he struck his shoulder on the tailgate of the truck. Mr. Seecharan had surgery on his shoulder but while he was out of work he had some personal health issues which complicated his recovery and return to work. Mr. Seecharan obtained an attorney and they filed a petition for benefits indicating that he could not work due to his shoulder injury. Mr. Seecharan also separated from the County due to the length of time he was away from work due to his injury and his personal condition, which complicated his successful return to work. After evaluating the litigation expenses, ongoing expenses for

vocational services, future medical care and lost time it was decided to settle the claim for \$50,000 as a full and final settlement of his claim.

Claim of Jeffery Wolverton, Claim #1819266

Mr. Wolverton was injured at work when he was getting off of a piece of equipment and it was raining and muddy and he fell about 3 feet to the ground. He injured his knee during the fall. His physician recommended surgery to repair his knee but he did not have it because of an intervening personal MVA on his motorcycle. Upon his return to work after his motorcycle accident, Mr. Wolverton had another injury at work when he fell off a piece of equipment injuring his hip and back. Mr. Wolverton obtained an attorney and a settlement offer was extended to the County. After evaluating the outstanding surgery request as well as the expenses associated with the new claim, we settled both claims for \$50,000 as a full and final settlement.