



Department of Risk Management

Virginia Holscher
Director

Tel. No. (727) 464-3664
Fax. No. (727) 464-4060

MEMORANDUM

To: Jewel White, County Attorney
Jill Silverboard, Deputy County Administrator

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

Subject: County Attorney's Office Quarterly Report for April 1, 2019 through June 30, 2019 on claims settled between \$25,001 and \$50,000

Date: July 16, 2019

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

There were three (3) General Liability settlements and no (0) Workers Compensation settlements that fell within the quarter and they are as follows:

Charles Hardenbrook Claim #15-13391

Mr. Hardenbrook alleged he tripped and fell in a local County-maintained street while walking his dog at night in his residential neighborhood. There are no sidewalks in this subdivision. Mr. Hardenbrook alleged he tripped over a cracked and broken area in the road that had an orange rectangle painted around it. Investigation determined that the defect in the road had been reported to the County prior to the accident. Mr. Hardenbrook was a retired disabled veteran. He claimed rib fracture and injuries to his neck, back and right shoulder. Settlement negotiations were complicated by claimant's extensive pre-existing medical conditions which included prior problems with his neck, back, and right shoulder. The case was litigated and eventually resolved at mediation for \$45,000.

Susan Baker Claim #16-14206

Ms. Baker alleged she tripped and fell on a significantly displaced sidewalk slab on 49th Street across from the Pinellas County Criminal Justice Center and directly in front of a County owned building at 14255 49th Street, North. Ms. Baker's attorney did not present a demand with medical records to Risk Management but filed a lawsuit a year and a half after putting the County on notice of the claim. Ms. Baker broke her right knee which required surgery, leaving a large scar on her right leg that extended above and below the knee. Ms. Baker's medical bills totaled about \$74,000 although most of the costs were written off. At mediation Ms. Baker presented additional medical bills that had not been disclosed during Discovery. The mediation impasse but subsequent negotiations resulted in a \$40,000.00 settlement agreement.

Juan Gil Claim #19-21312

Mr. Gil is legally blind but uses a screen reader program that translates written documents into verbal form. Mr. Gil claimed that the County's on-line documents contained text and graphics that were untranslatable thus depriving him of reasonable access to public records which violated the Americans with Disabilities Act. Mr. Gil's attorneys filed a complaint for injunctive relief which included attorney's fees. The County hired a firm to test its records accessibility and found some documents were not translatable by a screen reader. The County, which includes the Board of County Commissioners, the Pinellas County Property Appraiser, the Pinellas County Clerk of the Court, The Pinellas County Supervisor of Elections and the Pinellas County Tax Collector, reached a settlement agreement with Mr. Gil that the County entities would survey and update their websites to the extent possible. The agreement included \$30,000.00 in attorney's fees.

.