

Loy, Norman

From: Estrada, Sue M
Sent: Wednesday, March 08, 2017 2:10 PM
To: Loy, Norman
Subject: Lock up Items Update
Attachments: 83183.xls

Please see the attached as requested. Let me know if you have any questions. Thanks.

~ Sue

Susan M. Estrada, Assistant to
James L. Bennett, County Attorney and
Jewel White, Chief Assistant County Attorney
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Pinellas County

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

Staff Report

File #: 16-1796A, **Version:** 1

Agenda Date: 10/25/2016

Subject:

Settlement offer in the case of Roderick Fordham v. Pinellas County Sheriff's Office/Pinellas County Risk Management - Workers' Compensation Case No. 14-023702SLR.

Recommended Action:

Approve the acceptance of an offer of settlement in the case of Roderick Fordham v. Pinellas County Sheriff's Office / Pinellas County Risk Management.

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 October 25, 2016.

Background Information:

N/A

Fiscal Impact:

Unknown

Staff Member Responsible:

James L. Bennett, County Attorney
Nancy S. Meyer, Sr. Assistant County Attorney

Partners:

Pinellas County Risk Management Department

Attachments:

N/A



Pinellas County

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

Staff Report

File #: 16-1796A

Agenda Date: October 25, 2016

Subject:

Settlement offer in the case of Roderick T. Fordham v. Pinellas County Sheriff's Office / Pinellas County Risk Management - Workers' Compensation Case No. 14-023702LR.

Recommended Action:

Approval to accept an offer of settlement in the case of Roderick Fordham v. Pinellas County Sheriff's Office / Pinellas County Risk Management.

Strategic Plan:

N/A

Summary:

Claimant, Roderick Fordham, was employed as a detention deputy for the Pinellas County Sheriff's Office (PSCO) on August 21, 2014, when he was diagnosed with coronary artery disease. Coronary artery disease is a form of heart disease and is a medical condition governed by §112.18, Florida Statutes, which states that if a law enforcement officer enters his employment with no signs of heart disease, but is diagnosed with heart disease during the course of his employment, then as long as he is disabled by the condition he has a compensable accident requiring the employer to provide medical care and possibly wage loss benefits. Mr. Fordham qualifies for workers' compensation benefits under §112.18, Florida Statutes.

He currently has a claim pending before the Judge of Compensation Claims requesting payment of permanent and total disability benefits as well as for treatment of his diabetes and high cholesterol under the hindrance doctrine. These requests have been denied and we are scheduled for final hearing on January 19, 2017. Based on previous claims litigated before the Judge of Compensation Claims on this file it is believed that our likelihood of a successful outcome on the claim for permanent and total disability benefits is doubtful. The present value of Mr. Fordham's permanent and total disability benefits is over \$300,000.00. In addition to the value of these benefits, PCSO would continue to be responsible for Mr. Fordham's medical treatment as it relates to his heart disease. Our chances of success on the request for treatment of his diabetes and high cholesterol are higher, but there is no guarantee. If unsuccessful, PCSO would be responsible for Mr.

Fordham's medications as well as doctor visits for these conditions in addition to his heart disease.

The total settlement amount of \$200,336.02 includes payment to Mr. Fordham in the amount of \$169,750.00 to resolve his workers' compensation claim, and \$17,725.00 due his attorney as a statutorily mandated attorney's fee for obtaining the settlement as well as amounts due from prior litigation that resulted in Mr. Fordham's attorney also being entitled to attorney's fees and costs at a compromised payment of \$8,000.00 in fees and \$4,861.02 in costs.

It is for these reasons that settlement is recommended. Sheriff Gualtieri has been briefed on this matter and agrees with settlement.

Approval is sought from the County to accept the offer of settlement to amicably resolve the dispute. Further, it is recommended that the authority to execute a settlement agreement and any related mutual releases be delegated to the County Administrator in forms acceptable to the County Attorney's Office.

Background Information:

N/A

Fiscal Impact:

Unknown.

Staff Member Responsible:

James L. Bennett, County Attorney

Nancy S. Meyer, Sr. Assistant County Attorney

Partners:

Pinellas County Risk Management Department

Attachments:

N/A

BOARD RECORDS

ITEMS BEING HELD IN LOCK-UP

10/25/2016

BCC MEETING DATE		ITEM NO.	DESCRIPTION OF ITEM	DATE RELEASED AND AUTHORITY
1	1/28/2014	20	Consideration of Proposal for Settlement in the Case of Shannon Baker, as Personal Representative of the Estate of Andrew James Cavanaugh, Deceased, v. Board of County Commissioners, Pinellas County, Florida, State of Florida ,Board of County Commissioners, Pinellas County, Florida, State of Florida, Department of Transportation, and Depositors Insurance Company Circuit Civil Case Number 10-16223-CI-15	JAP - do not remove
2	12/2/2014	15	Recommendation to Reject Settlement in the Case of GCS Energy Recovery of Pinellas, Inc. v. Pinellas County Circuit Civil Case Nos. 2014-005220-CI-13 and 14-006566-CI-11	DSC/JAM - do not remove
3	9/10/2015	31	Recommendation to Reject a Proposal for Settlement in the Case of The Richman Group of Florida, Inc. v. Pinellas County Circuit Civil Case No. 14-005608-CI-15.	NSM - do not remove
4	1/12/2016	25	Proposal of Settlement served by the Plaintiff's counsel in the Case of Shannon Baker, as Personal Representative of the Estate of Andrew James Cavanaugh, Deceased, v. Board of County Commissioners, Pinellas County, Florida, State of Florida ,Board of County Commissioners, Pinellas County, Florida, State of Florida, Department of Transportation, and Depositors Insurance Company Circuit Civil Case Number 10-16223-CI-15	JAP - do not remove
5	4/12/2016	19	Offer of settlement in the case of Linda Holbrook v. Pinellas County - Sixth Judicial Circuit Case No. 15-003952-CI-21	JAP - okay to release <i>6/6/16</i>
6	5/24/2016	20	Approval to accept an offer of settlement in the case of Paul Hanson v. Pinellas County - Circuit Civil Case No. 15-006299-CI.	JAP - okay to release <i>3/8/17</i>
7	7/19/2016	28	Proposed settlement in the case of James E. Parks v. Pinellas County; Circuit Civil Case No. 15-003435-CI-15 - allegations of negligence resulting in personal injuries and property damages.	JAP - okay to release <i>3/8/17</i>
8	7/19/2016	29	Proposed settlement in the case of Frank Brinson v. Pinellas County; Workers' Compensation, Office of the Judges of Compensation Claims Case Number 16-010037SLR.	KLV - okay to release <i>3/8/17</i>
9	10/25/2016	25	Settlement offer in the case of Roderick Fordham v. Pinellas County Sheriff's Office/Pinellas County Risk Management - Workers' Compensation Case No. 14-023702SLR.	NSM - okay to release <i>3/8/17</i>