



# Department of Risk Management

Virginia Holscher  
Director

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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 Annual Report for October 1, 2017 through  
September 30, 2018 on claims settled between \$25,001 and \$50,000

Date: November 2, 2018

This is the Annual 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 that fell within FY18 and they are as follows:

**Claim of Jan Phebus, Claim Number: 1512132**

Jan Phebus filed a claim for a trip and fall on an uneven sidewalk in Safety Harbor that occurred on February 22, 2015. She claimed to have multiple injuries including a petechial hemorrhage, cervical spine injuries and head and facial lacerations. Her attorney filed a lawsuit against the County and offered to settle the case for \$200,000. We held a claims committee and agreed to negotiate with her attorney at mediation. We settled the claim for \$47,500. The potential exposure that we evaluated were trial expenses and a potential verdict where the County may have been liable up to Sovereign Immunity limits. The sidewalk had been damaged and it was a County sidewalk. We did not have prior notice of the damage but even with a determination of not being 100% liable it is likely that a verdict would have been above the amount we settled it for if the County was assigned partial negligence.

**Claim of Desiree Curtis, Claim Number: 1616835**

Desiree Curtis reported that on December 1, 2016 she stepped off a PSTA bus and into the right of way where there was a hidden hole causing her to fall and break her leg. The claim was filed with Risk on May 16, 2017. During our investigation it was found that there is an underdrain cleanout in the right of way that belongs to Public Works. The cleanout was missing a cap and that is what the claimant fell into when she broke her leg. Her attorney offered to settle the claim for \$200,000 and we eventually agreed on a settlement of \$30,000. Settlement was completed prior to a lawsuit being filed and mediation.

**Claim of Alexander Belalcazar, Claim Number: 1717523**

Alexander Belalcazar reported that he was involved in a motor vehicle accident on August 28, 2017 with one of our vehicles. The auto accident involved 3 vehicles with 1 stopping short. Mr. Belalcazar's vehicle stopped short as well and pulled to the right to miss the vehicle in front of him and our vehicle was not able to stop. We paid for the repair of his vehicle in the amount of \$2,223.94. After we paid for the repair of the vehicle he obtained an attorney to handle his bodily injury claim. His attorney demanded that we settle the claim for \$35,000 and we agreed based on his medical bills and injuries.