



Department of Risk Management

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Director

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MEMORANDUM

To: Jewel White, County Attorney
Joseph Lauro, Purchasing Director (Acting Assistant County Administrator)

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

Subject: County Attorney's Office Quarterly Report for January 1, 2019 through March 31, 2019 on claims settled between \$25,001 and \$50,000

Date: April 19, 2019

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

There was one (1) General Liability settlements and no (0) Workers Compensation settlements that fell within the quarter and they are as follows:

Claim of Natalie Jackson-Fuller - Claim number 1613863

In March 2015, Natalie Jackson-Fuller was terminated from her employment with Pinellas County as the Health and Human Services Director. A few months prior, in December 2014, she suffered a work-related injury to her Achilles tendon that was deemed compensable under workers' compensation. Ms. Jackson-Fuller filed suit in the United States Middle District alleging racial discrimination and workers' compensation retaliation. The County Attorney's Office successfully obtained the dismissal of 6 of the 8 counts of Ms. Jackson-Fuller's complaint; and summary judgment of her claim for racial discrimination pursuant to 42 U.S.C. § 1981 via § 1983. The County was successful in obtaining a jury verdict in its favor on the remaining claim of workers' compensation retaliation following trial. However, due to the circumstances of testimony at trial, the Court granted a reversal of the previously granted motion for summary judgment on the claim of racial discrimination. Based upon the alleged (and disputed) discrepancy in

testimony given under oath, coupled with the unlikelihood that the Court would grant an amended motion for summary judgment prompted the parties to revisit settlement negotiations. In its due diligence, the County Attorney's Office along with outside counsel held a juror focus group, at which 50% of the participants stated they would find in favor of the Plaintiff on her claim of racial discrimination. This was due in large part to Ms. Jackson-Fullers long tenure with the County (approximately 20 years), history of promotion and satisfactory performance reviews, and lack of progressive discipline. Some of these issues are disputable but considering the obvious risks of pushing the case to a jury trial, which in the event of a Plaintiff's verdict would include back pay (Plaintiff's salary was \$104,998.00 / yr.), non-economic damages, cost of litigation, and attorney's fees; the case was settled in February 2019 for \$49,500.00.