

January 28, 2014 - Regular Meeting
Agenda Item #9

Subject

Daisy Deleon v. W. Brad Steube, Sheriff of Manatee County, Florida, Case No. 2011-CA-7609

Briefings

None

Contact and/or Presenter Information

James R. Cooney, Assistant County Attorney
Trudy K. Morris, Legal Assistant, Ext. 3762

Action Requested

Motion to approve a settlement in the matter of Daisy Deleon v. Brad Steube, Sheriff of Manatee County, in accordance with the mediated settlement agreement.

Enabling/Regulating Authority

Sections 125.01 and 768.28, Florida Statutes.

Background Discussion

Facts of the case: On March 6, 2010, Plaintiff Daisy Deleon was proceeding north on 53rd Street West. A Sheriff's vehicle was at a stop sign at the intersection of 4th Avenue and 53rd Street West. The glare of the sun was in the Deputy's eyes as she pulled into the intersection heading east on 4th Avenue West and collided with the Plaintiff's vehicle on the rear passenger side.

Medical Treatment for Plaintiff: Plaintiff claims the following injuries from the accident: unable to perform normal work activities due to pain, weakness and stress. Problems with standing, walking, lifting, sitting, lying down, restful sleep. Herniated disks with spondylitic changes at L3-4, L4-5, L5-S1 levels. Plaintiff underwent a failed percutaneous endoscopic discectomy at L4-5. Plaintiff also received pain management treatment consisting of three sets of ESI's (injections) at L4-5, L3-4, and L5-S1. Medical bills to date total approximately \$71,135., with \$10,107 paid by insurance. A medical report indicates that Plaintiff is at maximum medical improvement and will require future medical treatments of \$3,500 per year.

Settlement: The County Attorney's Office recently participated in mediation with counsel for the Plaintiff and the following was agreed to by the parties:

- Manatee County shall pay Daisy Deleon the sum of \$68,500.00 in full settlement of her cause of action.
- Payment of said sum is subject to approval by the Manatee County Board of Commissioners.
- Plaintiff shall dismiss with prejudice her pending action and execute and deliver to the Defendant a General Release.
- Each side shall pay their own costs and attorney's fees.

CAO Recommendation: CAO believes that this settlement is in the best interests of the County in order to conclude this litigation and recommends its approval for the following reasons:

- The County Attorney's Office's investigation into the cause of this accident reveals that the Sheriff would

be held liable for the injuries to the Plaintiff.

- The Plaintiff has been treated for injuries sustained in the accident and has undergone considerable medical treatment.
- This case is set for trial beginning February 10, 2014. This settlement is reasonable.
- Risk Management has been briefed on this recommended settlement and concurs.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

Cooney

Instructions to Board Records

Return a stamped copy of the approved agenda memorandum to Trudy Morris

(trudy.morris@mymanatee.org), Legal Assistant to James R. Cooney, Assistant County Attorney.

Cost and Funds Source Account Number and Name

Self insurance liability settlement, fund 5050001400 Risk Management - fleet liability, object code 549102

Amount and Frequency of Recurring Costs

one-time payment