

November 5, 2013 - Regular Meeting  
Agenda Item #13

Subject

Jeffrey Riffel and Lynnette Riffel v. Manatee County, Case No. 2011-CA-7807, CAO File No. 4842

Briefings

None

Contact and/or Presenter Information

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

**APPROVED** in Open Session

Manatee County Board of County  
Commissioners

Action Requested

Motion to approve settlement of pending litigation claims.

Enabling/Regulating Authority

Section 125.01 and 768.28, Florida Statutes.

Background Discussion

Facts of the Case: At approximately noon on June 1, 2010 an MCAT bus was traveling southbound in the left turn lane of US 41 (14th Street) approaching the intersection of 30th Avenue West. Plaintiff's truck was traveling northbound in the inside lane of US 41. The traffic signal was green. The MCAT bus driver turned left, but before it was able to clear the intersection, Plaintiff's truck, traveling at approximately 40 mph, collided with the right rear bumper of the bus. There was considerable damage to the Riffel vehicle and the passenger door had to be pried open in order to evacuate Lynnette Riffel from the passenger side of the vehicle.

There are two Plaintiffs in this settlement: Jeffrey Riffel (DOB 10/19/75; driver of the vehicle); and his wife, Lynnette Riffel (DOB: 2/20/74; front seat passenger).

Medical Treatment for Jeffrey Riffel: Jeffrey Riffel is claiming the following permanent injuries as a result of this accident: cervical and lumbar disc bulges and herniations with an annular tear at L5-S1. He suffers from neuropathy in his hands, arms, legs and feet. These injuries have been confirmed with MRIs. His orthopedic surgeon has determined that Jeffrey Riffel is a good surgical candidate to several spinal regions at a cost of \$30,000 each. Mr. Riffel's doctors have causally related his injuries to the 6/1/2010 motor vehicle accident, have placed him at maximum medical improvement, and assigned him an 8% whole body impairment rating. It is estimated he will require \$3,700 per year for future medical expenses. Jeffrey Riffel's medical billing expenses from this accident total \$45,233.38. In addition, he is asserting a claim for lost wages.

Medical Treatment for Lynnette Riffel: Lynnette Riffel is claiming the following permanent injuries due to this accident: neck and back, including bulge at L5-S1 and inflammation of L2-L5. She is also claiming an increase in her anxiety/panic disorder as a result of this accident. She is a licensed massage therapist and claims that massaging patients exacerbates her pain. She has been evaluated by an orthopedic surgeon who has determined that she may benefit from future surgery. Her treating physician has placed her at maximum medical improvement with a 5% whole body permanent impairment rating. Future medical treatment is

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Commission Chambers, First Floor  
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estimated at \$3,200 per year. Lynnette Riffel's medical billing expenses from this accident total \$23,797.61.

Settlement: The County Attorney's office recently participated in a settlement telephone conference with counsel for the Plaintiffs and the following was agreed to by the parties:

- Manatee County shall pay Jeffrey Riffel the sum of \$30,000.00 in full settlement of his cause of action.
- Manatee County shall pay Lynnette Riffel the sum of \$30,000.00 in full settlement of her cause of action.
- Payment of said sums is subject to approval by the Manatee County Board of Commissioners.
- Plaintiffs shall dismiss with prejudice their pending actions and execute and deliver to the Defendant General Releases.
- Each side shall pay their own costs and 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 Manatee County would be held liable for the injuries to the Plaintiffs.
- The Plaintiffs have been treated for injuries sustained in the accident and have undergone considerable medical treatment.
- This case is set for trial beginning May 12, 2014. This settlement is reasonable.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Return a stamped copy of the approved agenda memorandum to Trudy Morris, Legal Assistant to James R. Cooney, Assistant County Attorney. - Snt cpy via email to TM. - SS 11/6

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A