

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - May 9, 2017

May 9, 2017 - Regular Meeting  
Agenda Item #18

Approved in Open Session 5/9/17,  
Manatee County  
Board of County Commissioners

Subject

Brigandi v. Manatee County, Circuit Court Case No. 2015 CA 2570

Briefings

All

Contact and/or Presenter Information

Geoffrey K. Nichols  
Assistant County Attorney  
Ext. 3741

Action Requested

Motion to reject a proposal for settlement as received from Paul Brigandi, Personal Representative of the Estate of Catherine Brigandi, in Circuit Court Case No. 2015 CA 2750.

Enabling/Regulating Authority

Florida Statutes Sections 125.01, 768.28, and 768.79, along with Florida Rule of Civil Procedure 1.442.

Background Discussion

On September 29, 2011, Plaintiff Catherine Brigandi was waiting at a bus stop located at or near the Pinebrook Square Shopping Center. She was waiting for MCAT transport. Mrs. Brigandi was attempting to board the MCAT bus using the drop down loader (lift ramp) when she tripped and fell on the lift ramp. Plaintiff is bringing a claim for personal injuries related to this incident. The medical bills for plaintiff total \$18,934.77.

On March 20, 2017, Plaintiff served Manatee County with a \$68,500.00 proposal for settlement. The County did not respond by the 30 day-deadline to accept this proposal, as the County Attorney's Office does not recommend acceptance of the proposal.

The case will thus proceed with discovery, mediation and possible trial.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

Nichols

Instructions to Board Records

N/A **Emailed to G. Nichols, C/Atty Offc 5/12/17, RT**

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Ptff NOS and PFS to Def MC 3-20-17.pdf](#)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

PAUL BRIGANDI, as the Personal  
Representative of the Estate of  
CATHERINE BRIGANDI,

Plaintiff,

v.

Case No.: 2015 CA 2570

MANATEE COUNTY, a political  
subdivision of the State of Florida,

Defendant.  
\_\_\_\_\_ /

**NOTICE OF SERVICE OF PROPOSAL FOR SETTLEMENT TO DEFENDANT**

The Plaintiff, PAUL BRIGANDI, as the Personal Representative of the Estate of CATHERINE BRIGANDI, by and through the undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.442 and Florida Statute 768.79, gives notice of service of a Proposal for Settlement to the Defendant, MANATEE COUNTY, a political subdivision of the State of Florida, on this 20<sup>th</sup> day of March, 2017.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail Service on this 20<sup>th</sup> day of March, 2017, to Geoffrey K. Nichols, Esq., Manatee County Attorney's Office, at [geoffrey.nichols@mymanatee.org](mailto:geoffrey.nichols@mymanatee.org), [florence.wong@mymanatee.org](mailto:florence.wong@mymanatee.org) and [diane.hajek@mymanatee.org](mailto:diane.hajek@mymanatee.org).

CARL REYNOLDS LAW  
820 43<sup>rd</sup> Street West  
Bradenton, Florida 34209  
Phone: (941) 747-3300  
Facsimile: (941) 708-0800  
Attorney for Plaintiff  
/s/ Carl E. Reynolds  
Carl E. Reynolds, Esquire  
Florida Bar No.: 581801  
[service@carlreynoldslaw.com](mailto:service@carlreynoldslaw.com)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
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\_\_\_\_\_ /

**PROPOSAL FOR SETTLEMENT TO DEFENDANT**

Plaintiff, PAUL BRIGANDI, as the Personal Representative of the Estate of CATHERINE BRIGANDI, by and through the undersigned counsel, pursuant to § 768.79, Florida Statutes, and Florida Rule of Civil Procedure 1.442, hereby states:

1. Time restriction adherence: This Proposal is not served earlier than ninety (90) days after this action was commenced and is not served later than forty-five (45) days before trial.
2. Party making the Proposal: Plaintiff, PAUL BRIGANDI, as the Personal Representative of the Estate of CATHERINE BRIGANDI.
3. Parties to whom the Proposal is made: Defendant, MANATEE COUNTY, a Political Subdivision of the State of Florida.
4. Claims to be resolved: All claims by Plaintiff, PAUL BRIGANDI, as the Personal Representative of the Estate of CATHERINE BRIGANDI, as alleged in this case,

against the Defendant, MANATEE COUNTY, a Political Subdivision of the State of Florida.

5. Relevant conditions and nonmonetary terms: Plaintiff, PAUL BRIGANDI, as the Personal Representative of the Estate of CATHERINE BRIGANDI, shall execute and file a voluntary dismissal, with prejudice, of this action against the Defendant, MANATEE COUNTY, a Political Subdivision of the State of Florida.
6. Total amount of Proposal: The total amount of this Proposal for Settlement is SIXTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$68,500.00). There are no other non-monetary terms other than those stated here or elsewhere in this Proposal for Settlement.
7. Punitive Damages: There are no punitive damages claims in the above-styled action. The acceptance of this Proposal would settle and resolve any potential claim for punitive damages.
8. Attorney's Fees/Costs: In strict adherence to Florida Rules of Civil Procedure 1.442 (c)(2)(F), this proposal includes within the amount proposed any and all claims for attorney's fees, costs, or expenses. Attorney's fees, costs, or expenses are not a part of the legal claim.

This Proposal for settlement shall be accepted, in writing, within thirty (30) days after service.

DATED this 20<sup>th</sup> day of March, 2017.

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Attorney for Plaintiff  
*Attorney Reviewed/Electronically Signed*  
/s/Carl E. Reynolds  
Carl E. Reynolds, Esquire  
Florida Bar No.: 581801