

January 12, 2021 - Regular Meeting
Agenda Item #13

APPROVED in Open Session
January 12, 2021
Manatee County Board of County
Commissioners

Subject

Linda Apperson v. Manatee County (personal injury lawsuit), Case No. 2018-CA-1237 – Authority to serve Proposal for Settlement to Plaintiff for up to \$70,000.

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Christopher M. DeCarlo, Assistant County Attorney, ext. 3750

Action Requested

Motion to authorize the County Attorney, or his designee, to serve a Proposal for Settlement for up to \$70,000.00 at his discretion to Plaintiff in the matter of Linda Apperson v. Manatee County; Case No. 2018-CA-1237.

Enabling/Regulating Authority

- Sections 125.01 and 768.79, Florida Statutes
- Florida Rule of Civil Procedure 1.442

Background Discussion

- This is a personal injury lawsuit for damages allegedly sustained as a result of a fall on a sidewalk owned by Manatee County. On July 17, 2017, Plaintiff states she was walking along the sidewalk near 31st Street East and 50th Avenue Drive East, in Bradenton, Manatee County, Florida, when she tripped and fell due to a sunken Verizon utility receptacle cover in the middle of the sidewalk. Plaintiff's complaint alleges that Manatee County negligently maintained the sidewalk containing the sunken utility cover creating a defective and dangerous condition. Plaintiff is claiming personal injuries, associated medical expenses, pain and suffering, and lost wages related to this incident. Plaintiff claims the following injuries from this incident: torn right shoulder rotator cuff, neck pain and back pain. In November 2017, Plaintiff had shoulder surgery to repair a rotator cuff tear and is claiming \$81,480.00 in medical expenses related to her medical treatment for the incident.
- Plaintiff previously served Manatee County with a Proposal for Settlement for \$200,000 on March 4, 2020. Upon recommendation of the County Attorney's Office, this Proposal was not accepted and allowed to expire.
- On June 16, 2020, Plaintiff and Manatee County participated in mediation which resulted in an impasse.
- On June 17, 2020, Plaintiff served Manatee County with a second Proposal for Settlement for

Bradenton Area Convention Center
One Haben Boulevard, Palmetto - Longboat Key Room
9:00 a.m. - January 12, 2021

\$80,000.00. Upon recommendation of the County Attorney's Office, this Proposal was not accepted and allowed to expire. The Plaintiff currently stands to recover her reasonable attorney's fees from the County, but only if the Plaintiff obtains a court judgment that is at least 25% more than the Proposal amount.

- The County Attorney's Office recommends that the County serve upon the Plaintiff a Proposal for Settlement to settle all claims, including attorney's fees and costs, for an amount up to \$70,000.00 at the discretion of the County Attorney.
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- This case is currently set for trial in March 2021.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

Palmer

Instructions to Board Records

E-mail an approved copy of this agenda item to:
Christopher M. De Carlo, Assistant County Attorney
christopher.decarlo@mymanatee.org; and
Carol Owsianka, County Attorney's Office,
carol.owsianka@mymantee.org

[1/12/21 QA emailed memo to Carol Owsianka and Chris DeCarlo](#)

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A