



May 19, 2026 - Regular Meeting

Subject

Proposal and Settlement of Manatee County Circuit Court Case, Thomas Eppich v. Manatee County and City of Holmes Beach, Case No. 2025-CA-000742

Category

CONSENT AGENDA

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Angelina Stratton, Assistant County Attorney, Ext. 3746

Action Requested

1. Motion to authorize the County Attorney's Office to take no action regarding Plaintiff, Thomas Eppich's, April 27, 2026, Proposal for Settlement in the amount of \$55,000.00 to Manatee County, and to allow same to expire in the matter of Thomas Eppich v. Manatee County and City of Holmes Beach, Case No. 2025-CA-000742; and
2. Motion to authorize the County Attorney's Office to settle this matter on behalf of Manatee County and issue a settlement check in the amount of \$42,500.00 to Plaintiff, Thomas Eppich, in Manatee County Circuit Court Case, Thomas Eppich v. Manatee County and City of Holmes Beach, Case No. 2025-CA-000742, in exchange for a full and complete release of any and all of Plaintiff's claims against the County, a dismissal of Plaintiff's lawsuit against the County with prejudice, and to authorize the County Attorney, or her designee, to execute all related documents in connection with the settlement.

Enabling/Regulating Authority

Section 768.79, Florida Statutes; Rule 1.442 of the Florida Rules of Civil Procedure; Manatee County Code of Ordinances Article II½, §2-2-35, and Article VII.

Applicable Advisory Board

N/A

Background Discussion

This is a personal injury case emanating from a bicycle incident that occurred on September 5, 2024. Plaintiff, Thomas Eppich (Plaintiff), while riding his bicycle on Marina Drive in Holmes Beach, rode over a patch of "crush" that was backfilled into an area where

excavation had occurred to repair the subject roadway. As Plaintiff rode his bicycle over the crush, he allegedly flipped over the bicycle's handlebars, landing on and fracturing his left elbow. Plaintiff underwent a surgical repair consisting of an open reduction and internal fixation of the fractured left elbow. Plaintiff now seeks damages against the County for past and future medical expenses, and pain and suffering. Plaintiff claims past medical expenses of approximately \$387,360.16. Of that amount, Medicare paid approximately \$19,536.37, and Plaintiff paid out of pocket expenses of approximately \$1,070.68. Medical billing adjustments were applied by Plaintiff's medical providers in the amount of \$366,746.11, leaving a remaining balance of approximately \$7.00.

On January 27, 2026, the Board allowed Plaintiff's first Proposal for Settlement (Plaintiff's First Proposal) in the amount of \$104,000.00 to expire based on the recommendation of the County Attorney's Office (CAO).

On April 1, 2026, the parties attended mediation but did not reach a settlement.

On April 21, 2026, the Board authorized the CAO to serve a Proposal for Settlement (County's First Proposal) on Plaintiff in the amount of \$35,000.00. The County's First Proposal was served on the Plaintiff on April 22, 2026. Thus, Plaintiff has until May 22, 2026, to accept the County's First Proposal, or it will expire automatically. If the County's First Proposal is not accepted and Plaintiff obtains a judgment in an amount 25% or less than the County's First Proposal (here a judgment between \$0.00 and \$26,250.00), the County is entitled to recover its reasonable costs and attorneys' fees from the date of serving the County's First Proposal.

On April 27, 2026, Plaintiff served the County with a second Proposal for Settlement (Plaintiff's Second Proposal) in the amount of \$55,000.00. Pursuant to the Florida Rules of Civil Procedure, the County has 30 days to accept Plaintiff's Second Proposal, or it will expire automatically. If the Plaintiff's Second Proposal is not accepted and Plaintiff obtains a judgment of at least 25% greater than the Plaintiff's Second Proposal (here \$68,750.00), Plaintiff is entitled to recover his reasonable costs and attorneys' fees from the date of serving Plaintiff's Second Proposal, up to the sovereign immunity limit of \$200,000.00 as set forth in Section 768.28, Florida Statutes.

Following receipt of Plaintiff's Second Proposal, negotiations continued with Plaintiff's counsel, and a proposed settlement agreement was conditionally agreed upon. Pending Board approval, in exchange for Plaintiff executing a full and complete release of all of Plaintiff's claims, including attorney's fees and costs, and a stipulation for dismissal with prejudice of Plaintiff's lawsuit against the County, Plaintiff has agreed to accept \$42,500.00 in full and final settlement of all his claims against the County.

Given Plaintiff's claimed medical expenses, medical treatment to date, which includes a surgery, the facts of the subject incident, and costs the County will incur in defending this case through trial, the CAO recommends that the Board grant the CAO authority to settle this matter for \$42,500.00 in exchange for 1) a full and complete release of any and all of Plaintiff's claims against the County, including attorney's fees and costs, and 2) Plaintiff's dismissal of the lawsuit with prejudice.

If the requested action is not approved by the Board, this case will continue through litigation, including a potential trial, which is currently scheduled for November 30, 2026.

The CAO conferred with the Director of the Utilities Department, who concurs with this recommendation.

Because this case is in active litigation, if Commissioners have questions regarding this item, we respectfully advise that they request private briefings with the CAO and refrain from discussing it publicly.

Attorney Review

Other (Requires explanation in field below) Stratton

This is a County Attorney item.

Instructions to Board Records

Please email an approved copy of this agenda item to:

Angelina Stratton, Assistant County Attorney, at angelina.stratton@mymanatee.org;

Melissa Mayernick, Paralegal, at melissa.mayernick@mymanatee.org;

Diane Haiek, Legal Assistant, at diane.hajek@mymanatee.org.

Distributed 5/19/26, RT

Cost and Funds Source Account Number and Name

Cost: \$42,500.00; Account Number: 5050001500 Object Code: 549102 (Insurance Claims)

Amount and Frequency of Recurring Costs

N/A