

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Approve a settlement of \$62,500.00 in the case of Rebecca Desroches v. Lee County.

**WHY ACTION IS NECESSARY:** To consider a settlement demand that has been made.

**WHAT ACTION ACCOMPLISHES:** Resolves case prior to litigation limiting the County's exposure.

2. **DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:**

AIA

3. **MEETING DATE:**

01-18-2005

4. **AGENDA:**

CONSENT  
 ADMINISTRATIVE  
 APPEALS

PUBLIC  
 WALK ON  
 TIME REQUIRED:

5. **REQUIREMENT/PURPOSE:**  
(Specify)

STATUTE  
 ORDINANCE  
 ADMIN. CODE  
 OTHER

6. **REQUESTOR OF INFORMATION:**

A. **COMMISSIONER** 01/18/05  
B. **DEPARTMENT** County Administration  
C. **DIVISION** Budget Services/Risk Management  
BY: Tony Majul

7. **BACKGROUND:**

On April 6, 2002, Rebecca Desroches was an 18-year-old passenger in a vehicle involved in a motor vehicle accident with a Lee Tran vehicle. Liability is disputed as there is a question of who had the green light. Ms Desroches sustained a fractured left hip, facial lacerations, a maxillary fracture and a zygomatic fracture and has noticeable surgical scarring on her face and leg.

A settlement in the amount of \$62,500.00 inclusive of attorney's fees and costs and satisfaction of all liens and subrogable interest arising from this matter has been negotiated.

Risk Management and the County Attorney's Office recommend approval of motion.

Funds are available in the Risk Management Loss Fund, account string GC133857700.504540.02.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services w/SM 1/14/05				G County Manager
					OA	OM	Risk	GC	
<i>AM</i> 1/3/05				<i>AK</i>	<i>AK</i> 1/4	<i>AK</i> 1/4/05	<i>AK</i> 1/4/05	<i>AK</i> 1/4/05	<i>AK</i> 1-4-05

10. **COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
Date: 1/3/05  
Time: 3:00  
Forwarded To:

RECEIVED  
COUNTY ADMIN.  
1/3/05

RECEIVED BY  
COUNTY ADMIN: *TD*  
1/3/05  
5:00 pm  
COUNTY ADMIN  
FORWARDED TO: *AK*  
1/3/05  
4pm

# LEE COUNTY BOARD OF COUNTY COMMISSIONERS

## Claim Defense/Litigation Status Report

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### GENERAL INFORMATION

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**TYPE OF CLAIM:** Liability

**DATE OF LOSS:** 04/06/2002

**PLAINTIFF:** Rebecca Desroches

**PLAINTIFF'S AGE:** 18

**PLAINTIFF'S ATTORNEY:** John B. Cechman of Goldstein, Buckley, et. al. in Fort Myers

**DEFENDANT(S):** Lee County Board of County Commissioners

**COMPLAINT:** 03-1768CA-JSC

**INJURIES:** Ms. Desroches sustained left hip fracture, facial laceration and fractures, and noticeable scarring on her face and leg.

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### LITIGATION INFORMATION

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**DAMAGES:** Medical bills total approximately \$ 60,000.00. Wage loss was approximately \$ 2,400.00 as claimant worked as a waitress. The vehicle in which she was a passenger had minimum limits so the PIP was exhausted immediately.

**DEFENSE FIRM:** Lee County Legal Department

**DEFENSE ATTORNEY:** John Renner, Chief Assistant County Attorney

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**FACTUAL BACKGROUND**

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On April 6<sup>th</sup>, 2002, the plaintiff, Ms. Desroches was an unseatbelted passenger involved in a motor vehicle crash at the intersection of Metro Parkway and Crystal Drive. Our Lee Tran driver was driving on Metro Parkway in a van when the car in which Ms. Desroches was a passenger, turned left in front of him and the vehicles collided. Both parties claimed to have the right of way; therefore liability is disputed. According to the driver of the other vehicle, Ms. Desroches was reclined and asleep in the passenger seat.

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**FINANCIAL**

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**LEGAL EXPENSES**

<b>PAID TO DATE:</b>	\$ 2,691.70
<b>RESERVES:</b>	\$ 50,000.00
<b>TOTAL EXPERIENCE:</b>	\$ 60,000.00
<b>SELF-INSURED RETENTION:</b>	\$ 200,000.00

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**COMMENTS**

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Plaintiff has agreed to a negotiated settlement of \$ 62,500.00.

Plaintiff's damages are in excess of \$ 60,000.00, so settlement is reasonable in view of disputed liability and the contribution to her own damages by the plaintiff.

The Risk Management office, in conjunction with our third party claims adjuster, Gallagher Bassett Services, recommends settlement of this matter for \$ 62,500.00.