

Indian River County, Florida
Memorandum

TO: Board of County Commissioners
THRU: John A. Titkanich, Jr., County Administrator
FROM: Cynthia Stanton, Risk Manager
DATE: April 23, 2024
SUBJECT: Auto Liability Settlement for Carlene Paulk

BRIEF HISTORY OF CLAIMANT AND OF CLAIM:

On September 19, 2023, employee Amanda Breen was operating a County owned 2023 Ford F250 pickup through the Publix parking lot at approximately 10:30 AM. Driver Breen states she was driving through the parking lot when she struck 83-year-old pedestrian Carlene Paulk who was in the crosswalk leading from the parking lot to the store entrance. Driver Breen states she never saw the pedestrian until the front passenger side of her vehicle made contact with pedestrian Paulk, causing her to fall to the ground and land on her left side. Pedestrian Paulk was unable to get up from the ground on her own and required assistance from IRC EMS. At the scene, it was noted that pedestrian Paulk was bleeding from the left side of her head, her left elbow was wounded and appeared to be dislocated, and she complained of left hip pain. County driver Breen was cited for failure to yield right of way to a pedestrian.

MEDICAL TREATMENT:

Mrs. Paulk was transported to Lawnwood Medical Center in Fort Pierce where she underwent numerous diagnostic tests and was diagnosed with the following:

- Acute left elbow fracture and dislocation
- Acute left superior and inferior pelvis fractures
- Posterior sacral fracture
- Severe back pain
- Left scalp laceration

On September 22, 2023, three days after the accident, Mrs. Paulk had the following treatment:

- Relocation of the forearm with open reduction internal fixation of the left elbow
- Left ulnar nerve transposition
- Scalp laceration repair with six staples

Consent

Mrs. Paulk was discharged from the hospital on September 26, 2023, and required in home care and physical therapy. On October 12, 2023, she was transported back to Lawnwood Medical Center due to a non-healing wound on the left elbow. She had severe left elbow pain and swelling resulting from dehiscence of the wound. It was determined that the left elbow fixation had failed, requiring removal of the deep orthopedic hardware and a repeat installation of new hardware to the left elbow.

DAMAGES AND SPECIALS:

Indian River County EMS	\$648.00
Lawnwood Regional Medical Center	\$445,326.58
Florida United Radiology	\$3,336.00
Visiting Nurse Association of IRC	\$2,830
Elite Rehab- Dr. Marcus Malone	\$671.00
Pain Management Institute of Florida	\$3,182.40
Emergency Medicine Services of FL, LLC	\$678
Anesthesia Medicine Services of FL, LLC	\$2,884
Hospital Medicine Services of FL, LLC	\$592.00
All County Ambulance	Pending
Fort Pierce Orthopedics, LLC	Pending
Vero Beach Operations, LLC a/k/a Vero Beach Care Center	Pending
Total	\$460,117.98

Medical bills total \$460,117.98 with out-of-pocket expenses of \$35,437.55 and a medical lien of \$45,213.38.

SETTLEMENT DEMAND:

The claimant is represented by Attorney Joseph Graves of Graves, Thomas, Rotunda Law Firm. Attorney Graves believes this claim to be valued at \$651,744. However, he is aware of Florida Statute 768.28 which provides the state government sovereign immunity in tort actions and his demand is for the full recovery limit of \$200,000.

FUNDING:

The final settlement amount of \$200,000 will be paid out of the Self-Insurance Fund/Risk Management/General Liability Insurance account, number 50224619-034530.

Account Description	Account Number	Amount
Self-Insurance Fund/Risk Management/General Liability Ins.	50224619-034530	\$200,000

RECOMMENDATION:

The claim was reviewed by the County's Liability Claims Committee on April 10, 2024. The Committee voted unanimously to settle the claim for \$200,000 and recommends the Board of County Commissioners approve the final settlement of \$200,000 to resolve this matter.