

By Senator Silver

32-98-98

1                                   A bill to be entitled  
2           An act providing for the relief of Kathryn  
3           Malloy, formerly known as Kathryn Sperdute;  
4           providing for an appropriation to reimburse her  
5           for injuries suffered in an accident that was  
6           caused by the negligence of an employee of the  
7           Palm Beach County School Board; providing an  
8           effective date.

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10           WHEREAS, in June 1992, 47-year-old Kathryn Sperdute  
11 (now known as Kathryn Malloy) left the nursing home where she  
12 worked as a registered nurse, and

13           WHEREAS, she was driving her car and was in moving  
14 traffic when, for reasons unknown, a car that was two cars in  
15 front of her stopped suddenly, and

16           WHEREAS, Kathryn Sperdute was able to successfully stop  
17 her vehicle but was hit from behind by a large maintenance  
18 truck owned by the Palm Beach County School Board and driven  
19 by one of its employees, and

20           WHEREAS, the impact propelled Kathryn Sperdute's car  
21 into oncoming traffic, and, although her car was not hit  
22 again, the impact was so severe that the seat she was sitting  
23 in collapsed, the rear window of the car shattered, the car  
24 needed extensive repairs, and she was injured, and

25           WHEREAS, despite the fact that Ms. Sperdute was wearing  
26 a seat belt and, consequently, did not suffer any broken  
27 bones, she did sustain significant injuries to her back, for  
28 which she had already had three surgeries before the accident,  
29 and

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1           WHEREAS, because of the injuries sustained during the  
2 accident, Ms. Malloy had to have a morphine pump installed and  
3 now suffers severe pain, including spinal headaches, and

4           WHEREAS, her injuries have necessitated her  
5 hospitalization three times since the accident, and she will  
6 be under a doctor's care for the remainder of her life, and

7           WHEREAS, once an active, energetic, and loving mother  
8 and wife, she is now a divorced recluse whose relationship  
9 with her only son has been strained and who is in pain every  
10 day of her life, and

11           WHEREAS, in addition to the physical and emotional  
12 damage Ms. Malloy has suffered due to the accident, she has  
13 tried go back to work as a registered nurse, but has been  
14 unsuccessful in doing so because of her constant pain, and

15           WHEREAS, a lawsuit was filed in this matter against the  
16 Palm Beach County School Board, which admitted liability in  
17 the case, and

18           WHEREAS, after intensive pretrial discovery and  
19 litigation, the case went to trial on the issue of damages,  
20 and the jury rendered a verdict in favor of Kathryn Malloy in  
21 the amount of \$176,269, and

22           WHEREAS, a judgment was later entered for that amount  
23 plus costs in the amount of \$9,781, for a total award of  
24 \$186,050, and

25           WHEREAS, in accordance with the limits of liability set  
26 forth in section 768.28, Florida Statutes, the school board  
27 has paid \$100,000 to Ms. Malloy, leaving a balance owed of  
28 \$86,050, NOW, THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:

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1           Section 1. The facts stated in the preamble to this  
2 act are found and declared to be true.

3           Section 2. The Palm Beach County School Board is  
4 authorized and directed to appropriate out of funds of the  
5 school board not otherwise appropriated and to draw a warrant  
6 in favor of Kathryn Malloy in the amount of \$86,050, to cover  
7 the unpaid amount of a judgment in favor of Ms. Malloy for  
8 injuries she sustained as a result of the negligence of the  
9 school board.

10          Section 3. This act shall take effect July 1, 1998.

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