

STORAGE NAME: h0941.hcl

DATE: March 10, 1999

**Florida House of Representatives
Committee on Claims
Summary Claim Bill Report**

Bill #: PCB CL 99-06 (HB 941)
Sponsor: Claims
Reference:
Companion Bill: SB 46 by Senator Jones

A. Basic Information:

1. Claimant: Martha Sosa

2. Respondent:

Miami-Dade County (f/k/a Metropolitan Dade County)

3. Amount Requested:

\$900,000

4. Type of Claim:

Excess judgment; amount reduced by post-verdict settlement

5. Respondent's Position:

Agreed to settlement

6. Collateral Sources:

Medical expenses of approximately \$114,000 were paid by Medicaid; Medicaid has a lien of \$21,970.84 against the claimant's recoveries.

7. Prior Legislative History:None

B. Procedural Summary: Ms. Sosa sued the county for damages resulting from injuries caused by a county bus. At trial, the jury found the county 65% negligent and Ms. Sosa 35% negligent. The jury determined the amount of past and future economic and non-economic damages to be \$2,576,000; after reducing the award to reflect Ms. Sosa's comparative negligence, the county was liable for damages of \$1,674,000. After the trial, the parties entered into mediation and on September 14, 1998 agreed to settle the case for \$1 million. The county has already paid the first \$100,000 in damages.

C. Facts of Case: After getting off a county bus, Ms. Sosa fell into the street underneath the bus. Ms. Sosa attempted to get out from under the bus, but sustained substantial injuries to her right arm when the bus moved forward and ran over her. Ms. Sosa underwent a series of surgeries and currently has severe scarring and disfigurement of her right arm, severe scarring of her abdomen and thighs, and an apparently permanent loss of motor skills that limits her ability to perform many kinds of work and normal household tasks. The actions of the bus driver were in violation of county policies and in apparent violation of the duty of care imposed on common carriers.

SM: _____ SD: _____ Date: Feb. 10, 1999
Leonard Schulte Stephanie Olin Birtman

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