

STORAGE NAME: h0095.jud
DATE: February 26, 2003

Florida House of Representatives
Sub-Committee on Claims
Summary Claim Bill Report

Bill #: HB 95
Sponsor: Rep. Negron
Companion Bill: SB 214 by Sen. Bennett
Special Master: Stephanie Birtman

A. Basic Information:

1. **Claimants:** John Martz
2. **Respondent:** Hernando County
3. **Amount Requested:** \$500,000
4. **Type of Claim:** Settlement agreement whereby the County's insurance carrier pays \$2 million (\$1 million has been paid in a lump sum and the remaining \$1 million will be structured over John's lifetime), and the remaining \$500,000 to be paid by the county.
5. **Respondent's Position:** Did not admit liability; agreed to settlement
6. **Collateral Sources:** Auto liability insurance covered \$20,000 in PIP and medical payments; Blue Cross/Blue Shield had a subrogation interest of \$144,757.76 which was negotiated down to \$87,402.39.
7. **Prior Legislative History:** None.
8. **Attorney's Fees** Attorney's fees have been limited to 25% of the initial \$2 million settlement; the claimant's attorney reduced his fee to 10% of the remaining \$500,000. Costs total \$45,071.08. Attorney's fees and costs are included in the settlement amount.

B. Procedural Summary: John Martz's mother and natural guardian Mary Beth Gary filed suit against Hernando County for injuries and damages suffered by John as a result of a motor vehicle accident. The suit alleged negligence by the County for failure to warn and failure to maintain Powell Road. Prior to trial the parties entered into a settlement agreement as a result of mediation.

C. Facts of Case: On February 20, 2000, John Martz, then 16 years old, was traveling on Powell Road when his passenger tires left the roadway and went into a large rut immediately adjacent to the roadway. The rut was 8 inches deep at its deepest point. In an attempt to bring his car back onto the roadway he lost control and hit a tree. As a result of the accident, John is a quadriplegic. His medical bills to date total \$612,835.57. In spite of his accident, John graduated as the valedictorian of his high school class and is now attending Stetson University seeking a degree in Finance.

SM: _____

Stephanie O. Birtman

Date: _____
