



STORAGE NAME: h0629.CVJS

DATE: 4/11/2011

Florida House of Representatives Summary Claim Bill Report

Bill #: HB 629; Relief/Estate of Cesar Solomon/JTA

Sponsor: McBurney

Companion Bill: SB 22 by Hill

Special Master: Thomas

Basic Information:

Claimants: Estate of Cesar Solomon

Respondent: Jacksonville Transportation Authority

Amount Requested: \$1,050,000

Type of Claim: Local equitable claim; result of a settlement agreement.

Respondent's Position: The Jacksonville Transportation Authority has admitted liability and has agreed to remain neutral and not take any action adverse to the pursuit of a claim bill by the Estate of Cesar Solomon to authorize and direct the Authority to pay the remaining \$1.05 million pursuant to the stipulated judgment.

Collateral Sources: Ms. Solomon received \$160,000 in life insurance benefits, \$105,000 from auto insurance, and a \$255 Social Security death benefit.

Attorney's/Lobbying Fees: The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.

Prior Legislative History: This is the first year a claim bill has been filed in this matter.

Procedural Summary: The Estate of Cesar Solomon filed a lawsuit against the Jacksonville Transportation Authority for negligence in the Fourth Judicial Circuit Court, in and for Duval County. Prior to trial, the parties settled the matter for \$1,250,000, of which \$200,000 has been paid by the Authority pursuant to the statutory cap on liability imposed by section 768.28, F.S.

Facts of Case: On March 25, 2008, Cesar Solomon, in the course of his employment by the City

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of Jacksonville, was standing in the bucket of an aerial lift truck while changing a traffic signal bulb at the intersection of Commonwealth and Melson Avenues. At the same time in the west-bound curb lane of Commonwealth Avenue, Gwendolyn Wells Mordecai, while in the course and scope of her employment, was driving a bus owned and operated by the Jacksonville Transportation Authority and crashed the bus into the aerial lift truck, knocking Cesar Solomon out of the bucket to his death. The information retrieved from the bus's event data recorder shows that the bus was travelling at approximately 37 miles per hour at the time of impact and that there was little or no braking of the bus prior to impact. The force of the impact was so severe that it pushed the lift truck well over 100 feet.

At the time of his death, Mr. Solomon was 52 years old and was survived by his wife of 23 years, Ruby Solomon, and two children, son Edison (age 22) and daughter Angeli (age 19). Mr Solomon was retired from the Navy after serving over 20 years as an electrician.

The Jacksonville Transportation Authority acknowledged that Gwendolyn Wells Mordecai was responsible for the accident and that Cesar Solomon was not comparatively negligent. The Jacksonville Transportation Authority entered into a stipulated judgment in favor of the Estate of Cesar Solomon for \$1.25 million, of which \$200,000 has already been paid.

Tom Thomas, Special Master

Date: April 11, 2011

cc: Representative McBurney, House Sponsor
Senator Hill, Senate Sponsor
Judge Edward T. Bauer, Senate Special Master