

STORAGE NAME: h2135a.cjc

DATE: March 17, 1998

**Florida House of Representative
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 2135
Sponsor: Representative Saunders
References: Civil Justice and Claims
Companion Bill: SB 30, by Senator Forman

A. Basic Information:

1. **Claimant:** Franklin David Messick, personal representative of the Estate of Arthur D. Messick
2. **Respondent:** Collier County
3. **Amount Requested:** \$101,639.55
4. **Type of Claim:** EXCESS JUDGMENT
5. **Respondent's Position:** Unknown
6. **Collecteral Sources:** \$10,000 from auto insurance
7. **Prior Legislative History:** None

B. Procedural Summary

A wrongful death action was brought by the estate of Arthur D. Messick for failure of Collier County to properly mark an intersection of a county road and a canal. Arthur D. Messick was a passenger in the vehicle. The case went to jury trial. The jury found Collier County 85% negligent and the driver 15% negligent. Judgment for claimant was entered for \$201,639.55 against Collier County. The County has paid \$100,000.00.

C. Facts of the Case

On October 6, 1990, Arthur D. Messick was a passenger in a truck that plunged into a canal in a remote area of Collier County. Mr. Messick and another passenger in the vehicle drowned. Collier County was found 85% negligent for failure to properly warn of an existing hazard, or to replace warning signs. Mr. Messick had no spouse or children. Beneficiaries are his estate and his parents.

SM: _____ **LRD:** _____ **Date:** March 10, 1998
Richard Hixson Richard Hixson