

STORAGE NAME: h3027a.cjc
DATE: March 16, 1998

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Reports**

Bill #: HB 3027
Sponsor(s): Representative Silver
Reference: Civil Justice & Claims
Companion Bill(s): SB 32 by Senator Silver

A. Basic Information

1. **Claimant:** Kathryn Malloy
2. **Respondent:** Palm Beach County School Board
3. **Amount Requested:** \$86,0500
4. **Type of Claim:** EXCESS JUDGMENT
5. **Respondent's Posture:** Unknown
6. **Collateral Sources:** Ms. Malloy receives worker's compensation benefits and social security disability benefits.
7. **Prior Legislative History:** None.

B. Procedural Summary: A civil action for negligence was pursued, and during the pre-trial litigation, the School Board admitted total liability for the accident. In June of 1994, the case was heard by a jury on the issue of damages only, and a verdict and judgment was entered for a total of \$186,050. The School Board did not appeal the verdict and has paid \$100,000 to Ms. Malloy pursuant to section 768.28. HB 3027 directs the School Board to pay \$86,050, the remainder of the judgment.

C. Facts of the Case: In 1992, Ms. Malloy's car was rear-ended by a truck that was owned and operated by the Palm Beach County School Board. The accident aggravated Ms. Malloy's pre-existing back problems to the point that she was no longer able to continue her employment as a home health nurse. Ms. Malloy's injuries have required numerous hospitalizations, she suffers from severe spinal headaches, and she has a morphine pump permanently installed in her back for the administration of pain medication.

SM: _____ **LRD:** _____ **Date:** March 3, 1998
Richard Hixson Richard Hixson