

STORAGE NAME: h0635.cla
DATE: February 22, 1999

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

Bill #: House Bill 635
Sponsor: Representative Hill
Companion Bill: Senate Bill 14, by Senator Holtzendorf
Special Master: Brad Thomas

- 1. Claimant:** Trey Anthony Alls and Heather C. Alls
- 2. Respondent:** Department of Transportation
- 3. Amount Requested:** \$1,775,000
- 4. Type of Claim:** Excess Judgment.
- 5. Respondent's Position:** Supports claim. Reached settlement with claimant.
- 6. Collateral Sources:** Medical providers paid Claimants \$200,000.
- 7. Legislative History:** None before this session.

This is an excess judgment claim for negligence of the Department of Transportation in the maintenance of the metal grating on the Main Street Bridge in Jacksonville, Florida, which was the cause of severe injury to Trey Anthony Alls on June 1, 1994. Judgment was entered on August 5, 1998 approving a settlement agreement for \$1,975,000 to be paid by the Florida Department of Transportation, in which the Department has paid \$100,000 to the claimant and \$100,000 to claimant's mother. The claimant is seeking the \$1,775,000 balance of the excess judgment. **Pursuant to the settlement, paragraph three, page four, the appropriation would go into a special needs trust fund for the benefit of Trey Alls, the balance after his death would revert to the DOT.**

This accident occurred when a van lost control on the wet steel center span of the bridge, slid into the northbound traffic and was hit by the car in which Trey Anthony Alls was a passenger. While receiving emergency treatment Trey's heart slowed dangerously and he suffered brain injury because of reduced oxygen to his brain. As a result of the accident, and possibly the treatment at Baptist Hospital, Trey Alls is severely brain damaged. [Trey's representatives filed suit against the appropriate medical providers and received \$200,000 compensation in settlement, which does not affect the settlement agreed to by the Department.] Trey will likely remain non-ambulatory and non-verbal for the remainder of his life. He will require 24-hour care, special wheel chairs and other equipment, specialized housing, wheel chair equipped transportation, and medical care far beyond the requirements for a normal healthy child and adult.

SM: _____ SD: _____ Date: _____
Brad Thomas Stephanie Olin Birtman