

STORAGE NAME: h1689.ju  
DATE: March 20, 2003

Florida House of Representatives  
Subcommittee on Claims  
Summary Claim Bill Report

Bill #: HB 1689  
Sponsor: Rep. Prieguez  
Companion Bill: SB 48 by Sen. Diaz de la Portilla  
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Asbel Llerena, individually and as personal representative of the estate of Maria de Jesus Llerena
2. **Respondent:** City of Hialeah
3. **Amount Requested:** \$200,000
4. **Type of Claim:** Equitable, based on a settlement agreement.
5. **Respondent's Position:** Does not oppose the claim bill.
6. **Collateral Sources:** \$10,000 PIP; \$5,000 death benefit from automobile insurance.
7. **Prior Legislative History:** None.
8. **Attorney's Fees and Costs:** Attorney's fees are limited to 25% of the award pursuant to s. 768.28, F.S. Costs are reported to be \$26,179.01.

**B. Procedural Summary:** Mr. Llerena and the claimant's daughter, Wendy Guzman, filed suit against Hialeah for the wrongful death of Maria de Jesus Llerena, the claimant's late wife. Prior to trial, the parties entered into a settlement agreement, which provided a total of \$400,000 in compensation to Mr. Llerena and Wendy Guzman. The agreement provided immediate payment of \$200,000 (which was split evenly between Mr. Llerena and Ms. Guzman) and the remaining \$200,000 would be requested by way of this claim bill. Wendy Guzman's claims have been satisfied and discharged with the initial payment of \$200,000.

**C. Facts of Case:** On July 11, 1999, Asbel and Maria Llerena were traveling westbound on West 28<sup>th</sup> Street, beginning to cross the intersection. At the same time a Hialeah Police Officer was responding to an emergency call with his lights and sirens on, traveling southbound on West 8<sup>th</sup> Avenue. As he approached the intersection, the police officer saw the Llerena vehicle crossing the intersection, but was unable to stop and crashed into the right side of the Llerena's vehicle. There was conflicting testimony regarding which of the parties had the green light going through the intersection. Mr. Llerena suffered multiple bruises and abrasions and was released from the hospital that evening. Mrs. Llerena did not survive the accident. At the time of her death, Mrs. Llerena was 45 years old, survived by her husband and her adult daughter.

SM: \_\_\_\_\_  
Stephanie O. Birtman

Date: \_\_\_\_\_