

High Speed Chase Leads To Devastating Injuries

PBC Sheriff's Office Settles for \$2.5 Million

In the early morning hours of July 3, 1990, Elizabeth Menendez was returning from an evening out with friends. She was twenty-two years old, beautiful and pursuing her dream of becoming a psychologist. Elizabeth was en route to her home when her automobile was struck by a traffic offender fleeing deputies of the Palm Beach County Sheriff's Office. The crash was the result of a high-speed chase which had begun over a simple traffic offense, running a red light. Contrary to Sheriff's office policy, which prohibited high speed chases for such offenses, as many as four deputies had pursued the traffic offender for several minutes at speeds up to 100 miles per hour. When the high speed chase approached the interchange of Southern Boulevard and I-95, Elizabeth was preparing to turn left onto the southbound ramp of I-95. As she turned, the fleeing traffic offender's vehicle struck Elizabeth's vehicle--with deputies in hot pursuit--at a speed estimated to exceed eighty-five miles per hour.

Elizabeth's injuries were devastating, including a transected pancreas, rupture of the diaphragm, collapsed lung, fractured eye socket, broken back and broken arm. According to the trauma surgeon, this was the most acute trauma patient he had ever seen--who lived. Miraculously, after life-saving surgery and multiple procedures, Elizabeth recovered from many of her physical injuries. Unfortunately, she also suffered a closed-head injury in the accident.

Doctors discovered a traumatically-induced aneurysm as the source of constant headaches and eventually performed brain surgery. The impact, however, left Elizabeth with permanent brain injuries, including serious cognitive deficits and problems with her short-term memory.

Elizabeth, although able to perform many activities of daily living, is entirely dependent on others. In particular, her short-term memory deficits cause her to require around-the-clock supervision.

Jack Scarola and David Sales represented Elizabeth at the trial against the Sheriff's Office. The Plaintiff's case focused on the recognized danger associated with high speed chases, the violations of Sheriff's Office policy, and multiple inconsistencies in the testimony of the pursuing deputies and their superiors. The Sheriff's attorneys focused on the actions of the traffic offender and urged the jury to pin most or all of the blame on him. During jury deliberations, the parties agreed to a settlement of \$2,500,000. Sovereign immunity prevents recovery of judgments in excess of \$100,000 against agencies of State government. As part of the settlement, the Sheriff agreed to cooperate with efforts to recover the balance of the settlement through a claims bill. A claims bill is an act of the Legislature appropriating funds for the payment of claims which exceed the \$100,000 statutory limit. Efforts are already underway to secure these funds for Elizabeth's future care. ■