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“Lawyer: City blew a chance to settle”

By Terry Neal

Hollywood faces record judgment

Sheldon “Shelly” Schlesinger has some experience with this kind of thing - and now, so does Hollywood.

Schlesinger, one of the country’s prominent personal injury lawyers, squared off with Hollywood in court. And now Hollywood may face the most expensive jury award in its history.

“What they offered (to settle) was grossly, outrageously inadequate, “ said Schlesinger, whose victories include an \$8 million jury award against Broward General Medical Center. “The city had an opportunity to get a wonderful settlement.

“I personally think the people of Hollywood have been ill-served.”

This week, a Broward Circuit Court jury awarded Schlesinger’s client, George Durant, \$2.2 million. Three years ago, a Hollywood garbage truck smashed into the Nissan 300ZX Durant’s wife Sonja, was driving at the intersection of Pine Boulevard and Palm Avenue. She lapsed into a coma and died 15 months later, leaving her young son, Steven, motherless.

The Hollywood City Commission had a chance to settle the case for \$750,000 in September but made a \$400,000 counter-offer. Durant, on Schlesinger’s advice, said “See you in court.”

Schlesinger said experience told him the Durant case was a potential whopper.

“I didn’t even want (George Durant) to settle for the \$750,00” he said. “Her medical bills alone were more than \$500,000. What about the emotional damages? What about the overriding emotional paid?”

Durant didn’t want to comment Thursday.

In Florida, state law caps liability for municipalities in such case at \$200,000. Only the state Legislature can approve jury award in excess of that.

If the Legislature approves the full \$2.2 million jury award – something Hollywood’s attorneys think is highly unlikely – it would be by far the largest judgment against the city in memory. The amount would be nearly half of the \$ million the city has on reserve in its self-insurance fund.

Hollywood has said that it will challenge the amount of the judgment in court and in the Legislature.

The Largest jury award or settlement since the city decided to become self-insured in 1987 was \$100,000, City Attorney Alan Koslow said.

Before the Sept. 15 City Commission meeting, Koslow met with commissioners individually to explain the possible consequences of a jury trial.

At the meeting, Commissioner Kenneth Gottlieb the only attorney on the commission – moved not to settle the case for \$750,000.

“I never said I was a personal injury lawyer,” said Gottlieb, whose background is primarily in real estate law.

Gottlieb and other commissioners said they feared such a large settlement would be a bad precedent.

“I thought we were being fair by offering twice the amount that the state cap allows,” said Commissioner Guy Roper.

Hollywood Mayor Mara Giulianti said the judicial system is flawed and encourages lawyers such as Schlesinger not to settle cases.

“I truly believe this, and I said it in a deposition. I think this was really done to keep (Schlesinger’s) meter running, “ Giulianti said.