



Staff Report

File #: 16-219A, **Version:** 1

Agenda Date: 3/15/2016

Subject:

Notice of new lawsuit and defense of the same by the County Attorney in the case of John C. Crapper v. Pinellas County and David Nelson Construction Co. - Circuit Civil Case No. 16-000419-CI-15.

Recommended Action:

Receipt and file notification of new lawsuit and defense of the same by the County in the case of John C. Crapper v. Pinellas County and David Nelson Construction Co. - Circuit Civil Case No. 16-000419-CI-15.

Strategic Plan:

N/A

Summary:

Plaintiff alleges that on or about October 6, 2013, he was riding his bicycle on a portion of the Pinellas Trail, near the intersection of Melon Street and Keystone Road, Tarpon Springs, Florida, when he hit a hole on the trail where a safety pole would normally be, causing him to fall and suffer personal injuries. He alleges negligence on the part of the County contending the County failed to warn of the defect, failed to properly inspect or repair the defect.

David Nelson Construction Co. ("Nelson") has been named as a co-defendant, with similar allegations levied against it.

The County Attorney's Office will bring all counterclaims, cross-claims, or third party claims as necessary or appropriate in the judgment of the County Attorney. The County Attorney's Office will tender the defense of, and the indemnification of Pinellas County to Nelson in accordance with the provisions of the contract entered into with Nelson for the project identified as Keystone Road - U.S. 19 to East Lake Road, P.I.D. No. 920522, Bid No. 090-0219-CP.

Background Information:

N/A

Fiscal Impact:

Unknown

Staff Member Responsible:

James L. Bennett, County Attorney
John A. Powell, Jr., Sr. Assistant County Attorney

Partners:

N/A

Attachments:

N/A