

From: Mark Hungate <MHungate@BANKERLOPEZ.COM>
Sent: Wednesday, July 23, 2025 10:57 AM
To: Alan Bullock <abullock@venicefl.gov>
Subject: CONFIDENTIAL RE: Ottone Guraly v. City of Venice/CRM

WC DEFENSE ATTORNEY SETTLEMENT RECOMMENDATION MEMO

Alan – Good Morning.

This will confirm the parties have tentatively agreed to settle this workers' compensation claim for a total of \$17,500 inclusive of all attorney's fees, costs, and child support arrearage, if any, contingent on City Council approval plus \$100 payable by City of Venice for a General Release of any and all other claims. This settlement includes any and all dates of accident/injuries arising during her employment with/at City of Venice. This memo is being submitted to assist your presentation to City Council to obtain settlement approval.

Claimant is a former firefighter/EMT. On 12/14/23, she lifted a patient and injured her low back. Diagnostic testing showed a potential surgical condition. She was off work until her spine ortho released her to light duty in late April 2024, but she was not at maximum medical improvement. Despite more treatment, in early October 2024, the spine ortho recorded no improvement so he placed her at maximum medical improvement. She had no subsequent treatment until June 2025 at which time the spine ortho recorded that a couple months before, she was performing a personal task at home that caused a significant recurrence of her low back symptoms. The spine ortho ordered a new diagnostic test to determine if there are acute changes different from the December 2023 tests. He also referred her for more treatment. The adjuster has not yet authorized any of this.

We have paid approximately \$56K+ in WC benefits to date.

Claimant resigned her City of Venice FF position effective 10/3/24 for a new job with Sarasota County School Board.

There are multiple issues at this point that may require litigation absent settlement. The spine ortho could agree with our theory that the 2025 'personal task at home incident' is a new accident that is the major contributing cause (MCC) of the need for her current tests & treatment, or he could disagree and label the recent incident a normal body movement and opine that our WC injury remains the cause. While no surgery has been recommended at this time, it looks like that is where this is headed. The cost of the various potential surgeries for this type of injury/condition range from \$50-75K depending on whether the procedure is simple or complex with use of implant hardware. If Claimant is dissatisfied with the current treater's opinions, she can request a one-time change of spine ortho which

we would select and pay for. The WC law also allows an injured worker one independent medical examination, selected by her/her attorney initially at her/the attorney's expense, to obtain different more favorable opinions. If the one-time change ortho spine doctor or her IME reach different opinions from the treating spine ortho, we would have to pay for a tie-breaker spine ortho, (\$2,400) who would be selected by the Judge. All this activity would require defense expense as well as exposure to possibly paying Claimant's attorney's fees and taxable costs if Claimant is the prevailing party in any litigated claims. If Claimant prevailed at trial, the City would be responsible for all required medical treatment, additional disability benefits, additional permanent impairment benefits and the case would still be open and adjusting/defense expense would also continue.

Per your request, enclosed is a copy of the proposed WC Settlement Agreement. It has been sent to opposing counsel for signatures by her and Claimant, but I have not received the package back yet.

Based on a cost/benefit analysis, as your WC counsel, I recommend that City Council approve this settlement as being in the City's best fiscal interests. Please advise if you have any questions. Thanks. YT, Mark 7/21/25