



King County
Office of Risk Management Services
Department of Executive Services
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TTY Relay: 711

January 1, 2023

The Honorable David Upthegrove, Chair
King County Council
516 Third Ave, Room 1200
C O U R T H O U S E

RE: Quarterly Report of Closed Claims with Indemnity Payments of \$100,000 or More

Dear Councilmember Upthegrove:

I am pleased to transmit the quarterly report for the fourth quarter of 2022 summarizing claims that closed with an indemnity payment in the amount of \$100,000 or more. This report is transmitted pursuant to Ordinance 16913 adopted on August 27, 2010, which established a quarterly reporting requirement for the King County Risk Manager. This report describes the four claims that resolved from October 1, 2022 through December 31, 2022 with an indemnity payment of \$100,000 or more.

Claimant: Michelle, Dustin Robert

Date of Loss: 10/10/2018

Closure Date: 11/29/2022

Indemnity Payment: \$2,500,000

Closure Method: Settlement

Claimant Dustin Michelle was a detainee at King County Correctional Facility (KCCF). Claimant alleged extended deprivation of medical care. Claimant had an infection in his neck that worsened while he was in KCCF. He claimed that, despite his symptoms, he was denied care. The infection worsened and his body went into septic shock. As a result of the injuries, he suffered permanent paralysis. The case resolved at mediation for \$2,500,000.

Claimant: Katell, Michael

Date of Loss: 08/29/2020

Closure Date: 09/27/2022

Indemnity Payment: \$118,350

Closure Method: Settlement

Claimant Michael Katell and his wife Sarah Leyrer parked in Georgetown, curbside on Airport Way S. at 12:30pm. Claimant went into a store to make a purchase while Sarah stayed inside the car. King County Sheriff's Deputy Reginald Thomas was driving his fully marked Ford Explorer on Airport Way when he suffered a catastrophic stroke. His vehicle slammed into the back of the Claimant's vehicle at 66 mph causing fatal injuries to Sarah Leyrer. Deputy Thomas survived the crash but died 9 days later from stroke related complications. A review of Deputy Thomas's medical records did not reveal anything in his medical history to suggest he could experience a sudden loss of consciousness. Washington case law recognizes "when a driver is 'suddenly stricken' by an 'unforeseen loss of consciousness' the driver is not liable for negligence." King County ORMS proactively reached out to Mr. Katell in the days following the incident to apologize, paid funeral expenses, celebration of life costs, and for counseling for over 2 years. The case resolved at mediation for \$100,000.

Claimant: Martinez-Wario, Francisco

Date of Loss: 04/12/2021

Closure Date: 11/30/2022

Indemnity Payment: \$1,325,000

Closure Method: Settlement

Claimant, 24-year-old Francisco Martinez-Wario, was injured in an incident with a Metro coach on April 12, 2021. The claimant had initially boarded the coach through the front doors carrying an alcoholic beverage. As claimant was paying his fare, the Metro operator advised the claimant that he could not board the coach with the beverage. The claimant exited the coach through the front doors and drank the beverage. Just after the claimant threw away the can, the operator closed the doors and left the zone. Claimant began to bang on the coach, lost his balance, and was pulled underneath the bus. The claimant sustained severe lower extremity injuries and was transported to Harborview Emergency Room from the scene. Claimant underwent five separate surgeries, and total medical specials were \$489,374.25. The case was settled via direct negotiation for \$1,325,000.

Claimant: Bacani, Gloria

Date of Loss: 10/17/2021

Closure Date: 12/13/2022

Indemnity Payment: \$150,000

Closure Method: Settlement

Claimant Gloria Bacani, a 84-year-old female fell on a KC Metro bus on October 17, 2021. The Metro operator did not see claimant who was reportedly walking to the exit and left the zone causing her to lose her footing. She sustained a fractured pelvis in the fall. Although claimant did not have to undergo surgery, she was hospitalized for several weeks and then transferred to a skilled nursing facility for an additional six weeks. The total medical specials were \$54,960. The case was settled via direct negotiation for \$150,000.

The Honorable David Upthegrove

January 1, 2023

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I would be happy to answer any questions or provide a briefing for the Council on these claims at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Christine Oh".

Christine Oh

Director, Office of Risk Management Services

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Pedroza, Clerk of the Council

Shannon Braddock, Chief of Staff, Office of the Executive

Karan Gill, Deputy Chief of Staff Office of the Executive

Mina Hashemi, Director, Council Relations, Office of the Executive

Dwight Dively, Director, Office of Performance, Strategy and Budget

Caroline Whalen, County Administrative Officer, Department of Executive Services (DES)

Susie Slonecker, Chief Civil Deputy, Prosecuting Attorney's Office (PAO)

Jessica Kozma, Litigation Section Head, PAO

KyMBER WalTMunson, King County Auditor