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January 14, 2021

Ms. Danielle Thorpe
City of Pompano Beach
Risk Management Division
100 W. Atlantic Blvd. 33060

Via U.S. Mail E-Mail: danielle.thorpe@copbfl.com and
Facsimile: (954) 786-4067

Claimant:	Carol Schroeder
Date of Injury:	05/23/20
Location of Injury:	Harbor Edge Park 1240 NE 28th Ave.
Your Claim No.:	GCG2020008948

Dear Ms. Thorpe:

In following my June 5, 2020 letter to you regarding the above referenced matter, this letter and attached documentation is in furtherance of Ms. Schroeder's demand for the City of Pompano Beach to tender its Sovereign Immunity liability limits in the amount of two hundred thousand dollars (\$200,000.00).

Ms. Schroeder suffered severe and permanent injuries on the walking path of Harbor Edge Park when a large limb and branches fell directly on top of her, impacting several parts of her body. You previously confirmed that Harbor Edge is owned, operated and managed by the City of Pompano Beach, and that the City does not engage the services of any third-party arborists or landscapers to maintain the park.

The tree is located on the southwest corner of the playground, and the fallen limb landed where the sidewalk converges in three directions. We have field identified the subject tree as an Australian Pine, which is an invasive species to Florida and considered a "noxious weed" pursuant to the Florida Department of Environmental Protection (FDEP). These trees are well known for rot and limb attachment failure. High resolution photographs with a telephoto lens of the remaining portion of the branch on the tree reveals that the subject limb was severely rotted at the limb attachment. The middle section of the limb attachment is essentially hollow, there is no density in the remaining section of the limb attachment and the color of the remaining limb attachment section is consistent with rot.

Photographs of the limb on the ground from the date of the accident reveal that the limb was densely populated with overgrown branches. Failure to thin out the branches from a limb this size creates an increased load limit on the limb attachment point making in far

more likely to fail. The other alternative is that this limb was what is referred to in forestry as a "widow maker." In that case, the limb may have been partially detached and fully detached on the date of this incident. Either way, this limb failure was foreseeably dangerous and easily prevented through proper maintenance and inspection.

With proper maintenance and inspection, the City of Pompano Beach should have detected the known signs of rot and removed this limb prior to a failure of this type. If the City did not employ anyone with the qualifications to properly maintain trees of this type, it should have retained professional arborists to advise, inspect and/or maintain the trees. Additionally, the City should have placed an *extremely high priority on this tree*, as the limbs extend over the only park walkways, and in this case, limbs are also currently still hanging directly over, and around the children's playground area. Based on the evidence in this case, the fallen limb could have easily killed Ms. Schroeder and any children playing adjacent to the playground.

The City of Pompano Beach owed Ms. Schroeder a duty to maintain the park in a reasonably safe condition. The City's failure to maintain the tree and remove rotting limbs is the sole cause of Ms. Schroeder's injuries and liability lies 100% with the City.

I have enclosed full copies of the applicable medical records, including a Bates Stamped set from Broward North. References to those documents are noted as "BS" followed by the page number. I have also included a disc with photographs of the accident scene, the subject limb and branches, Ms. Schroeder at the scene, along with photographs of her injuries and treatment at various stages.

The fallen limb and some of its branches struck Ms. Schroeder on her head, neck, back, legs arms and feet. Multiple, smaller branches pierced several parts of Ms. Schroeder's body and caused multiple bruises, crush injuries, cuts and lacerations, including two on her scalp requiring sutures and stiches. Ms. Schroeder also suffered a left medial leg ulcer, a left chronic foot ulcer, left leg cellulitis, fractures of the right 2nd proximal phalanx, 3rd distal phalanx (displaced fracture) and big toe. [BS 57 and 108]. Ms. Schroeder was knocked unconscious and landed approximately six (6) feet from where she was originally standing. Additionally, Ms. Schroeder now has large areas of permanent scarring on her legs and arms from the puncture wounds and lacerations.

Ms. Schroeder also suffered gangrene of the right third toe requiring months of rehabilitative care and surgical interventions to restore blood flow and save the toe from amputation. A blood infection from the multiple puncture and lacerations required six weeks of antibiotics, two times daily, via a PIIC line. During the duration of this treatment, Ms. Schroeder faced the possibility of amputation of her toe which caused severe emotional distress, sleeplessness, inability to concentrate and fear of walking and leaving her home.

Due to this accident, Ms. Schroeder's previously managed anxiety and depression now

requires psychiatric treatment for PTSD. Also, due to the accident, the Schroeders were forced to move out of Broward County in order to change their surroundings, so Ms. Schroeder could attempt to start going outside again without suffering extreme anxiety.

Ms. Schroeder continues to suffer numbness and tingling in her right foot, which is likely permanent due to nerve damage. Two of her toes no longer straighten naturally and are stuck together causing discomfort when she walks. Ms. Schroeder was in top physical conditions prior to this accident and enjoyed an extremely active, outdoor and physically active lifestyle. At this time, she is unable to walk without pain and is unable to engage in many of the physically demanding activities she enjoyed prior to the accident.

Immediately following the accident, Pompano Beach EMS transported Ms. Schroeder to Broward Health North for treatment. The EMS report confirms injuries to Ms. Schroeder's head, forearms and feet caused by a falling tree branch "12" in circumference or more." Ms. Schroeder initially spent time in the hospital treating with a vascular surgeon, as the blood vessels to her third toe on her right foot were severed due to a 5 cm, irregular stellate laceration. [BS 51]. She was also under the supervision of an infectious disease specialist and spent additional time in the hospital due to a severe blood infection caused by her injuries.

During her time in the ER at Broward Health, Ms. Schroeder underwent CT Scans, received staples in her head and twenty-three (23) additional stitches on her feet and toes. She was released at 8:00 P.M. with cam boot on her right foot and crutches. She had to return to the hospital later that evening due to excessive bleeding from her foot wounds. [BS 003].

On 05/26/20 Ms. Schroeder again returned to the ER for wound checks and dressings. For the next five (5) days, Mr. Schroeder experienced continued discomfort, pain, inability to sleep and necessity to clean and redress all her wounds.

On 06/01/20 Ms. Schroeder returned to the ER again for removal of the staples in her head, but only half of the stitches in her other wounds were removed at that time. She also received a referral to a wound clinic for the gash on her lower left leg. [BS 207].

On 06/04/20, Ms. Schroeder returned to the ER where the attending physician admitted her due to cellulitis in her second and third, left toe and left leg. At that time, she received antibiotic IV protocols and care from infectious disease, vascular, podiatry and wound care specialists. During the next six (6) days, Ms. Schroeder underwent vascular ultrasounds, MRI's and continued treatment from the specialists. She suffered ecchymosis and gangrene of her toe, which turned completely black in color. [BS 245 and 252].

On 06/08/20, the infectious disease specialist determined that Ms. Schroeder had osteomyelitis (consistent with MRI results on that day), which required six (6) weeks of

home antibiotics via a PICC line, which was inserted on this day. This was accomplished with the assistance of a home health nurse and medicine deliveries. [BS 273 and 427].

On 06/09/20, Ms. Schroeder was discharged from the hospital with a PICC line and she received multiple visits at her home from various providers to deliver medications, instruct her and her husband on how to utilize the PICC line and how to administer the twice daily IV treatments.

On 06/18/20, Ms. Schroeder's podiatrist, Dr. Strauss, advised her that he would try to save her toe, but there would be no guarantees. By 06/19/20, Ms. Schroeder is experiencing severe distress, is unable to sleep and begins to feel depression setting in.

On 07/02/20, Ms. Schroeder presented before Dr. Strauss for removal of some stitches and removal of dead skin surrounding her toe. The PICC line is finally removed on July 17, 2020, but Ms. Schroeder had to continue with oral antibiotics. Dr. Strauss was able to remove additional stitches and further debride dead skin from Ms. Schroeder's toe on 07/16/20. For the next ten (10) days, Ms. Schroeder experienced severe digestive distress due to a reactivation of her ulcerative colitis, which was previously in remission.

On 07/30/20, Ms. Schroeder underwent a deep debridement and removal of dead skin from her toe, along with the removal of the remaining stitches. Dr. Strauss applied a skin graft powder to close the wounds, which Ms. Schroeder reapplied and packed for the next week.

On 08/05/20, the complete nail bed on the injured toe came off. For the first time since the accident, Ms. Schroeder was able to put slight pressure on the foot while wearing the cam boot. As of 08/13/20, Ms. Schroeder was still unable to wear shoes and still had to apply the skin graft powder daily and keep her foot completely dry.

On 10/12/20, Dr. Ronald Behain referred Ms. Schroeder to a psychologist for assistance with PTSD. She is currently treating with Dr. Michael Christiano in Boca Raton.

We have requested itemized billings statements from Broward North and will forward same to you upon receipt of same. As of December of 2020, an attached Florida Blue Explanation of Benefits shows medical bill payments in excess of \$102,000.00. bills, including an obligation to Ms. Schroeder in the amount of approximately \$40,000.00. I have also attached an itemized list of Ms. Schroeder's out of pocket expenses, which are in excess of \$4,000.00.

Ms. Schroeder has suffered financial, physical and emotional damages far in excess of the City's sovereign immunity limits of \$200,000.00. We will confirm the Medicare and Medicaid lien amounts shortly, but pursuant to statute, those entities will very likely require a reimbursement out of any tortfeasor proceeds at a rate in excess of twenty five percent (25%).

Kindly favor me with a response within twenty (20) days.

Sincerely,

Chris Fisher

cbf/me

Encls. To follow via mail on disc