

High Speed Chase Ends in Tragedy

July 5, 1990, was a very memorable day in the life of Elizabeth Menendez. The 22-year-old psychology major at Florida Atlantic College was described by many of her friends as bright, beautiful, vivacious, and fun loving. She had just dropped her best friend off at home after an evening of dancing at a local nightclub. Ms. Menendez was in her Honda at a light at Southern Boulevard in West Palm Beach, waiting to enter the southbound ramp of I-95. What Ms. Menendez did not know, and what would change her life forever, was that at least six Palm Beach County Sheriff's Office patrol cars were rapidly approaching in a high speed chase in excess of 100 miles per hour.

As the light turned green and Ms. Menendez made her left turn, a 1978 Oldsmobile driven by Anthony Lewis Marinucci, who was the subject of the police pursuit, struck her car head on. This collision caused near fatal traumatic injuries to Ms. Menendez.

While Mr. Marinucci was treated for minor injuries and released from the emergency room, Ms. Menendez began a gallant fight for life. Her surgeon, who had spent years treating Vietnam war trauma victims, would later describe her injuries as the most serious he had ever encountered in a patient who ultimately survived.

After a month-long series of complex surgeries, followed by four months of intensive inpatient rehabilitation, Ms. Menendez was permanently left with serious scars, a fracture of her eye socket, loss of her pancreas, traumatically induced insulin dependent diabetes, and, most importantly, the near total loss of any short term memory capacity.

At the request of Attorney Michael Celeste, then of the offices of Rosenthal and Weissman, attorneys Jack Scarola and David Sales began a long and arduous legal journey that would last nine years. During that time frame, the administration at the Palm Beach County Sheriff's Office had changed three times. Not until September of 1998 was a jury ready to hear the case. After days of testimony it became quite obvious that Mr. Scarola and Mr. Sales had proven that the

deputies involved in the chase had actually violated their own department's policy which prohibits high speed pursuits of drivers guilty of traffic infractions. At the time the chase began, Mr. Marinucci's only offense was that he had run a red light.

While the jury was out deliberating its verdict, attorneys for the Sheriff's Office made their first serious settlement proposal. The Sheriff's Office agreed to immediately pay the maximum amount permit-

ted by law to Ms. Menendez's parents to provide for her care. They also agreed to fully support the plaintiffs in obtaining legislative authority to permit a governmental entity to pay more than \$100,000 for a personal injury claim. The Florida Legislature unanimously approved the Elizabeth Menendez Claims Bill, and with the help of Millennium Settlements of Tallahassee, Fla., a structured settlement was customized for the life-long care of Ms. Menendez. After payment of all attorney's fees, costs, medical bills, and liens, Ms. Menendez is expected to receive in excess of \$8.5 million in tax free payments over the course of her lifetime. ■



Elizabeth Menendez in January 1990.