



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

MEMORANDUM

To: Members of District 5 Medical Examiner Board and District 24 Advisory Committee

From: Matthew G. Minter, County Attorney

Date: February 10, 2025

Subject: Request for approval of settlement of civil action – Ruthel Forbes v. District 5 Medical Examiner

The District 5 Medical Examiner’s Office has been sued regarding a claim of negligence concerning the misplaced skull of a homicide victim, Cedric Wayne McFadden, which related back to the Assistant Medical Examiner who performed an autopsy on the decedent in 2005, before Dr. Wolf became the District 5 Medical Examiner. Last year, the Medical Examiner’s Office discovered the skull in a container in the Medical Examiner’s Facility. Initially, the Medical Examiner’s staff did not know the identity of the skull, but eventually confirmed it was the skull of Mr. McFadden. The Medical Examiner’s office notified the decedent’s family who, although initially appreciative of the efforts that had been made by the Medical Examiner’s staff, after consulting with an attorney, decided to file a claim against the Medical Examiner. See copy of Notice of Intent attached.

The Marion County Attorney’s Office, with the approval of the Advisory Committee, assumed the defense of this matter. The Plaintiff’s original demand on October 7, 2024 was for \$200,000. Between that date and December 20, 2024, Assistant County Attorney had several negotiating communications with Plaintiff’s counsel. This culminated in a proposed settlement amount of \$20,000.00.

In consideration of the expenses that will be incurred if we proceed with litigation, and the risks attendant with a jury trial, particularly one where the claim may strike an emotional chord with the jury members, I am recommending approval of the settlement of this lawsuit for \$20,000.00. Pursuant to Florida Statutes, the Plaintiff’s attorney fees will be paid from that amount, and are capped at 25% of the total amount.



May 2, 2024

**NOTICE OF INTENT TO FILE AN ACTION PROVIDED
PURSUANT TO FLORIDA STATUTE 768.28(6)(a)**

District 5 & 24 Medical Examiner Office
Barbara C. Wolf, M.D.
809 Pine Street
Leesburg, Florida 34748

VIA CERTIFIED MAIL
RETURN RECEIPT REQUEST
9589071052700990824300

Florida Department of Financial Services
Jimmy Patronis, CFO
200 E. Gaines Street
Tallahassee, FL 32399

VIA CERTIFIED MAIL
RETURN RECEIPT REQUEST
9589071052700990824294

**IN THE CIRCUIT COURT OF THE 5th JUDICIAL CIRCUIT, CIVIL
DIVISION, IN AND FOR LAKE COUNTY, FLORIDA**

**RE: Claimant: Ruthel Forbes
Date and Place of Birth: August 5, 1953/ Ocala, Florida**

vs.

Lake County Medical Examiner Office.

Dear Sir and Madam:

Pursuant to § 768.28(6)(a), Florida Statutes, notice is hereby given of a claim and intent to file a civil action on behalf of Claimant, **Ruthel Forbes**, against the **Lake County Medical Examiner Office** for its mishandling of Cedric Wayne McFadden’s Remains.

On or around April 28, 2024, our client received a phone call from Lake County Medical Examiner’s office advising her that they found her son, Cedric Wayne McFadden’s skull and part of his spine in a bin, in their building, twenty years after they were allegedly released to Summer’s Funeral Home in Ocala Florida on June 15, 2005. Because of the **Lake County Medical Examiner office’s** failure to exercise reasonable care and mishandling of the client’s son’s remains, the Claimant’s injuries were directly and proximately caused by the **Lake County Medical Examiner office’s** omissions. These omissions include the following:

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- a. Failing to use ordinary care to keep the remains of Cedric McFadden's intact and provided all body parts to Summer's Funeral Home;
- b. Failing to follow all other instructions of Plaintiff as the legally authorized person as defined by Chapter 497, Florida Statutes;
- c. Failing to maintain proper records pertaining to the decedent's remains; and
- d. Failing to employ policies and procedures to ensure remains of the decedents were properly released to the legally authorized person in accordance with Chapter 497, Florida Statutes.

As a result of **Lake County medical Examiner office's** omissions, the Claimant was injured. The Claimant is unaware of any adjudicated penalties, fines, fees, victim restitution, or other judgments in excess of \$200 imposed upon her by any civil, criminal, or administrative tribunal. Moreover, the Claimant does not owe the State of Florida or any of its agencies subdivisions, any prior adjudicated unpaid claims in excess of \$200.

One hundred eighty (180) days from the date of this notice, should this claim be unresolved, the Claimant will bring an action against **Lake County Medical Examiner** for its liability and the damages due therefore. Nothing in this notice should be interpreted or is intended as a waiver by the Claimant to at any time bringing another claim or action to which the facts entitle her, against the State of Florida or any individual, as to any claim for which notice is unnecessary.

Ortavia D. Simon, Esq.