

LEGISTAR NO.

121081

MARY CALDWELL,

Plaintiff,

v.

CITY OF GAINESVILLE,

Defendant.

PRE-SUIT SETTLEMENT AGREEMENT

The parties hereto have reached the following pre-suit settlement agreement in full and complete resolution of the above-styled personal injury claim of Mary Caldwell, which arises from a bicycle versus RTS bus collision that occurred on August 25, 2011, in Gainesville, Florida, in which Plaintiff was injured:

1. Defendant City of Gainesville agrees to pay Plaintiff the lump sum payment of One Hundred Thousand Dollars (\$100,000.00) within seven (7) days of the date that the Gainesville City Commission approves this settlement agreement.


2. Plaintiff agrees to:

- a) Execute a full and complete release, indemnification and hold harmless agreement in favor of Defendant and all other persons, firms, corporations or other entities that are in privity with the Defendant. No one else will be released, including any other tortfeasor, known or unknown;
- b) Pay, satisfy and extinguish any and all valid claims or liens that may attach to the settlement proceeds; and
- c) Plaintiff agrees that she will not pursue a claims bill relating to this collision and his injury in this accident.


3. All parties agree to bear their own attorneys fees and costs.

4. This settlement agreement is contingent upon the following additional conditions,
which are essential to the settlement agreement;


- a) The settlement agreement must be approved by the Gainesville City Commission within sixty (60) days of the date of the execution of this settlement agreement by Plaintiff; and
- b) This settlement is conditional upon the parties reaching mutual agreement on the specific language of the release, indemnification and hold harmless agreement that is referenced in paragraph (2)(a) above. The release must include language protecting and preserving Plaintiff's rights to pursue any and all first party insurance benefits and public benefits, past and future, that Plaintiff may have.



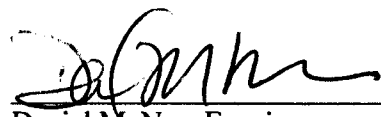
Mary Caldwell, Plaintiff
Dated: 4/18/13



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City of Gainesville, Defendant
By: Steve Varvel (print name)
Capacity: Risk Mgt Dir
Dated: 4/23/2013



Daniel M. Nee, Esquire
P.O. Box 490, Station 46
Gainesville, FL 32627
Attorney for Defendant
Dated: 4/23/2013