



MEMORANDUM

Office of the City Attorney

000049
Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commissioners

DATE: June 12, 2000

FROM: City Attorney

PUBLIC HEARING

SUBJECT: Proposed Settlement of Lawsuit Styled Robert B. Strawder v. City of Gainesville; Alachua County Circuit Court; Case No.: 99-1525-CA

Recommendation: The City Commission 1) hold a public hearing; 2) approve the terms of the settlement; and 3) authorize the City Manager and the City Attorney's Office to settle the case.

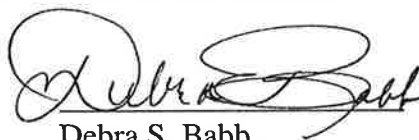
This case involves a motor vehicle collision which occurred on March 25, 1998 at the intersection of N.E. 16th Avenue and N.E. Waldo Road in Gainesville, Alachua County, between Plaintiff, Robert Strawder, and Gainesville City employee, Ronald Days. Mr. Days was in a City vehicle as he turned onto Waldo Road. Robert Strawder was already traveling on Waldo Road, and the two vehicles side-swiped.

Plaintiff suffered from a pre-existing, chronic lower back condition that was aggravated by this accident. Plaintiff sought emergency medical treatment from Alachua General Hospital and eventually began regular treatments with Dr. Harry Jones in Ocala. He also sought consultation from his pre-existing neurosurgeon, Dr. Eric Scott, and pre-accident pain management doctor, Dr. Oscar DePaz. To date, his medical bills total approximately \$12,000, wage loss of approximately \$9,000, and other out-of-pocket expenses of \$7,300. The City disputed liability for any future medical expenses, wage loss, or other out-of-pocket expenses. The City also disputed liability for the full amount Plaintiff claimed for past losses since Plaintiff has a pre-existing condition and much of his current condition would have existed regardless of this automobile accident.


The City's attorney and risk management personnel have voluntarily negotiated a settlement agreement with Mr. Strawder and his attorney during court ordered mediation. The amount of \$26,250.00 is the full and complete payment of Mr. Strawder's personal injury claim. Mr. Strawder will execute and deliver to the City of Gainesville a release of all claims and file a notice of voluntary dismissal with the Circuit Court.

It is the recommendation of the Risk Management Department and the City Attorney's Office that the case be settled for this amount.

Prepared by:


Debra S. Babb,
Assistant City Attorney

Approved and
submitted by:


Marion J. Radson,
City Attorney



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