



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commissioners

DATE: March 25, 2002

FROM: City Attorney

CONSENT ITEM

SUBJECT: Negligence Claim of Barbara and Jimmie Griggs

Recommendation: The City Commission: 1) approve the terms of the mediation settlement; and 2) authorize the City Manager and the City Attorney's Office to settle the negligence claim of Barbara and Jimmie Griggs.

On January 26, 1999, William McCullen, Jr., a police officer with the Gainesville Police Department, was responding to a call for backup from a fellow officer with his lights and siren on. While traveling south on 13th Street, the officer proceeded through the light at Mall Road that was red for his direction of travel. About that time Mr. and Mrs. Griggs pulled out into the intersection to make a left turn. The officer was unable to stop and struck their vehicle in the driver's door in a "T-bone" type accident. The Griggs's vehicle swung around and struck another vehicle. Both Mr. and Ms. Griggs were transported from the scene by ambulance.


The Griggs allege that the officer was negligent in failing to use due care in proceeding through the red light at the intersection. The Gainesville Police Department's Internal Affairs concluded that the officer failed to operate his vehicle in a safe manner, and failed to observe safe driving practices while responding to an emergency call. The City settled the property damage claim with the Griggs shortly after the accident.

Mrs. Griggs was 63 at the time of the accident. As a result of the accident and the aggravation of a pre-existing condition, she was assigned a 30% impairment rating. She argued entitlement to payment of medical expenses, past and future, monetary damages for pain and suffering, as well as damages for attendant care as she is no longer able to care for her husband, who is in a wheelchair. Mr. Griggs would have been entitled to damages for any injuries he suffered, as well as a loss of consortium claim for the lost service by his wife.


The attorney for the Griggs and representatives of the City recently attended mediation in the case. At that mediation a negotiated settlement for all personal injury claims of the Griggs was reached for a total of \$50,000. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

FISCAL IMPACT: Funds available in the General Insurance Fund.

Prepared by:


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Approved and
submitted by:


Marion J. Radson,
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