



Legislation Details (With Text)

File #: 121083. **Version:** 1 **Name:**

Type: Staff Recommendation **Status:** Passed

File created: 5/2/2013 **In control:** City Attorney

On agenda: 5/16/2013 **Final action:** 5/16/2013

Title: RODRICK THOMPSON AND DEBORAH THOMPSON V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-2012-CA-2040 (B)

Sponsors: City Attorney

Indexes:

Code sections:

Attachments: 1. 121083_Thompson Settlement_20130516.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------|-------------------------|--------|
| 5/16/2013 | 1 | City Commission | Approved as Recommended | Pass |

RODRICK THOMPSON AND DEBORAH THOMPSON V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-2012-CA-2040 (B)

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Rodrick Thompson and Deborah Thompson v. City of Gainesville; Alachua County Circuit Court Case No.: 01-2012-CA-2040, on behalf of the City.

On March 22, 2011, Rodrick Thompson was driving his vehicle in Gainesville with his wife, Deborah Thompson, as a passenger. His vehicle was stopped at a red light pointed westward on Hawthorne Road (SR 20) at the intersection with SE 15th Street. While stopped, the Thompsons' vehicle was struck from behind by a City-owned van driven by an employee of the Black-on-Black Crime Task Force who was assigned to the Reichert House. The driver of the City van was traveling to pick up school children to transport them back to the Reichert House.

The Thompsons sought medical attention from an emergency room, chiropractors, and, ultimately, a neurologist and surgeon. While they both exhibited some preexisting conditions, their physician opined that they both suffered permanent injuries resulting from this accident. Mr. Thompson incurred medical bills totaling \$69,726.40, and Ms. Thompson's medical bills amounted to \$131,543.75, for a total of \$201,270.15. At trial, the Thompsons also anticipated presenting claims for pain and suffering, mental anguish, inconvenience, loss of capacity of for the enjoyment of life, expense of future medical treatment, and loss of ability to lead and enjoy a normal life.

The Thompsons filed and served suit against the City in May 2012. After a thorough investigation, it was determined that the driver of the City van was acting as an agent of the City of Gainesville at the time of the accident. Subsequently, the City and the Thompsons engaged in discovery in preparation for trial, and participated in Court-ordered mediation on April 22, 2013. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Mr. and Ms. Thompson and their attorneys in the amount

of \$185,000.00, subject to the approval of the City Commission of the City of Gainesville. 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 are available in the City's General Insurance Fund.