



Legislation Details (With Text)

**File #:** 110655.      **Version:** 0      **Name:** SETTLEMENT IN SHARON C. ALTHOUSE V. CITY OF GAINESVILLE (NB)

**Type:** Staff Recommendation      **Status:** Passed

**File created:** 2/2/2012      **In control:** City Attorney

**On agenda:**      **Final action:** 2/2/2012

**Title:** SETTLEMENT IN SHARON C. ALTHOUSE V. CITY OF GAINESVILLE (NB)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/2/2012	0	City Commission	Approved as Recommended	Pass

SETTLEMENT IN SHARON C. ALTHOUSE V. CITY OF GAINESVILLE (NB)

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the lawsuit styled Sharon C. Althouse v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2009-CA-6148, on behalf of the City.

On January 14, 2010, the Plaintiff, Ms. Althouse, served the City in this lawsuit for damages related to an automobile accident. Ms. Althouse’s claim against the City arose from an automobile accident that occurred on December 31, 2008 on US 441 near the intersection with County Road 232. At the time of the accident, Ms. Althouse was driving her vehicle which was stopped at a red light. Ms. Althouse’s vehicle was struck from behind by a City of Gainesville vehicle operated by an employee of the City’s Building Department. The City employee has subsequently retired from employment with the City.

All parties to this litigation and their respective legal counsel attended Court-ordered mediation on November 9, 2011. A mediated settlement agreement was arrived at whereby the City would pay the sum of \$25,000.00 in full and final settlement of Ms. Althouse’s claims, subject to two conditions. First, Ms. Althouse’s attorney would determine that Ms. Althouse’s health insurance provider would waive its entire lien for treatment related to this incident, and notify the City in writing; and, second, the agreement would be approved by the City Commission. On January 18, 2012, the City Attorney’s Office received written notification that the first condition was met. It is the recommendation of the City Attorney’s Office and the Risk Management Department that the Settlement Agreement at Mediation be approved, and the case be settled.