



Legislation Details (With Text)

File #: 180756. **Version:** 1 **Name:**
Type: Staff Recommendation **Status:** Passed
File created: 2/12/2019 **In control:** City Attorney
On agenda: 2/21/2019 **Final action:** 2/21/2019
Title: Stephen P. Staal, MD v. City of Gainesville; Case No. 2017-CA-3456; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/21/2019	1	City Commission	Approved as Recommended	

Stephen P. Staal, MD v. City of Gainesville; Case No. 2017-CA-3456; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Stephen P. Staal, MD, arising from an accident that occurred on or about September 22, 2016.

On September 22, 2016, at approximately 5:10 PM a City-owned RTS bus was traveling its scheduled route northbound on SW 12th Street approaching SW 2nd Avenue. The intersection of SW 12th Street and SW 2nd Avenue was controlled by a round-about. SW 12th Avenue was previously designated as a "bicycle boulevard" and had all of the associated street markings and signage. The driver of the City bus stopped and checked her mirrors and surroundings at the round-about before she initiated a right hand turn into the round-about to proceed eastbound onto SW 2nd Avenue. After yielding to other vehicles, the driver of the City bus proceeded to turn right. At the same time, Dr. Stephen Staal was also proceeding northbound on SW 12th Street approaching the roundabout intersection with SW 2nd Avenue. Dr. Staal was riding a bicycle, commuting home from his office on the University of Florida campus. He was wearing a bicycle helmet with reflectors and a bright yellow safety vest. Dr. Staal caught up with the bus from behind, and attempted to enter the roundabout alongside the bus. The bicycle made contact with the right rear side of the bus, and Dr. Staal's foot was pinned between the bus wheel and the curb. His ankle and tibia were crushed, leading to an amputation of his left leg below the knee.

Dr. Staal's injuries were traumatic and extreme. He has endured multiple surgeries, and a 10-day hospital stay. The medical bills and out of pocket expenses exceed \$360,000. He is a practicing oncologist with UF Health, and was out of work for approximately 4 months. If this case were to proceed to trial, the past medical bills would be only a part of the damages Dr. Staal would seek to recover. The permanent and ongoing nature of an amputation would lead him to also seek damages for future medical expenses, pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, loss of earnings, and loss of ability to lead and enjoy a normal life. The non-medical damages could greatly exceed the medical bills.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with the Regional Transit System. Given the undisputed nature of the damages, the City's defense focused on issues of liability. However, consideration was also given to the fact that Florida operates under a pure comparative negligence standard. Any percentage of fault attributed to the City by way of actions or inactions of the driver would be applied to the massive damages to determine a verdict in this matter. 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 \$200,000 per person, and \$300,000 per incident. After court-ordered mediation, a negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$165,000, subject to the approval of the City Commission of the City of Gainesville, and in exchange Dr. Staal will provide a full and complete Release to the City. 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.