



Legislation Details (With Text)

File #: 180201. **Version:** 1 **Name:**

Type: Staff Recommendation **Status:** Passed

File created: 7/18/2018 **In control:** City Attorney

On agenda: 8/2/2018 **Final action:** 8/2/2018

Title: Thomas Norman v. City of Gainesville; Presuit Settlement of an Auto Liability Claim (NB)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/2/2018	1	City Commission	Approved as Recommended	

Thomas Norman v. City of Gainesville; Presuit Settlement of an Auto Liability Claim (NB)

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City to settle the claim of Thomas Norman arising from an accident that occurred on or about November 30, 2017.

On November 30, 2017, Mr. Norman was involved in a vehicle accident with a City employee. The City employee was driving a Gainesville Regional Utilities pickup truck in the course and scope of his employment with the City, and turned left in front of an oncoming motorcycle operated by Mr. Norman. As a result of the accident, Mr. Norman claims serious injuries that required extensive surgical and rehabilitative services. The total for his medical costs exceed \$130,000.00. In addition to past medical treatment, Mr. Norman asserts claims for future medical care, pain and suffering, and lost wages.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and his attorneys, the Risk Management Department conducted a thorough evaluation and investigation of these claims prior to the filing of a lawsuit. 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 \$200,000.00 per person and \$300,000.00 per incident. Based on the presuit investigation and the expenses already incurred by Mr. Norman, and in an effort to limit the cost of litigation that would reduce the amount of funds available to cover the cost of medical care, representatives of the City agreed to recommend a payment in the amount of \$200,000.00 to Mr. Norman in exchange for a full and complete Release of All Claims from Mr. Norman. The settlement is contingent upon approval by the City Commission. It is the recommendation of the Risk Management Department, GRU Management, and the City Attorney's Office that the case be settled for that amount.

The claim settlement will be paid out of Utility operating funds.