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10/7/2010	0	City Commission	Approved as Recommended	Pass

SETTLEMENT OF PERSONAL INJURY CLAIM OF PEGGY BRYANT (B)

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim against the City of Gainesville arising from an October 15, 2007 automobile accident.

Ms. Peggy Bryant filed a claim alleging that on October 15, 2007, while a passenger in a vehicle being driven by her husband westbound on SR 24 (SW Archer Road), an RTS bus collided with their vehicle from behind. At the time, the Bryants were driving a 2007 Kia, and Ms. Bryant appears to have been acting in the course and scope of her employment with National Healthcare Review, Inc. The vehicle carrying the Bryants was stopped in traffic at the time of the collision.

Ms. Bryant asserts that she has suffered permanent back and neck injuries. To date, the injuries have been treated without surgery, but Ms. Bryant has received continuous medical and chiropractic treatment and therapy. Her treating physicians have opined that she sustained an impairment rating of 19% as a result of the accident. Ms. Bryant’s medical bills and related expenses, including lost wages, have been covered to date through a workers’ compensation claim, and, according to Ms. Bryant’s counsel, her employer’s workers’ compensation carrier retained a lien against any settlement or judgment related to this accident in the amount of over \$131,000.00. Her attorney appears to have negotiated the amount of that lien downward, and, in the Release signed by Ms. Bryant, she asserts that all liens have been resolved and she is committed to indemnifying and defending the City against any such liens related to this accident.

Initially, Ms. Bryant sought damages in excess of the statutory cap of \$100,000, for past and future medical expenses, pain and suffering, loss of capacity to enjoy life, loss of wages, and loss of capacity to earn wages. The City Attorney’s Office and the City’s Risk Management Department engaged in out-of-court settlement negotiation with Ms. Bryant’s attorney and reached an agreement in principal to settle the claim for \$25,000.00, contingent upon: 1) City Commission authorization; and 2) a full and final release executed by Ms. Bryant. The City’s Financial Services Procedure Manual requires City Commission approval for any legal settlement over \$20,000.00. It is the recommendation of Risk Management and the City Attorney’s Office that the City Commission provide authorization to settle this claim for \$25,000.00.

