



Legislation Details (With Text)

File #: 180385. **Version:** 1 **Name:**
Type: Staff Recommendation **Status:** Passed
File created: 9/17/2018 **In control:** City Attorney
On agenda: 10/4/2018 **Final action:** 10/4/2018
Title: Lisa Cue v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2017-CA-0582 (NB)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/4/2018	1	City Commission	Approved as Recommended	

Lisa Cue v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2017-CA-0582 (NB)

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Lisa Cue v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2017-CA-0582, on behalf of the City.

On April 18, 2016, Plaintiff Lisa Cue fell while walking on a City sidewalk located on NE 15th Street in Gainesville. She claimed to have tripped over an uneven section of sidewalk. Ms. Cue was transported for emergency medical treatment, and, ultimately, surgery for significant injuries sustained in the accident. Ms. Cue suffered breaks to both arms, including a comminuted, open fracture of her right ulnar bone. Post-surgery, she underwent extensive physical therapy and rehabilitation. Her physicians opined that she suffered permanent injuries resulting from this accident, and she incurred medical bills exceeding \$116,000. Her physicians would also testify that she may need an additional surgery in the near future, and she should expect a more significant surgical procedure at a later date. Ms. Cue is right-hand dominant, and still experiences pain and limited range of motion in her right arm. At trial, in addition to medical damages, Ms. Cue would present claims for past and future mental anguish and pain and suffering.

Ms. Cue filed suit and served the City in March 2017. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on August 28, 2018. The mediation initially reached an impasse, but, with the aid of the mediator, both parties continued to negotiate as discovery and trial preparation continued. The City denied liability for the accident, but recognized that the plaintiff's injuries and damages were unusual in severity, and therefore presented greater risk for an adverse jury verdict. 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 mediation and protracted negotiations, on September 7, 2018, representatives for the City reached a settlement of all claims with Ms. Cue and her attorneys in the amount of \$65,000.00, 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.