



Legislation Details (With Text)

**File #:** 120537. **Version:** 1 **Name:**

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

**File created:** 11/6/2012 **In control:** City Attorney

**On agenda:** 11/15/2012 **Final action:** 11/15/2012

**Title:** Ayman Abdellatief v. City of Gainesville; Presuit claim arising from an accident that occurred in Gainesville, Alachua County, Florida on or about November 7, 2011.

**Sponsors:** City Attorney

**Indexes:**

**Code sections:**

**Attachments:** 1. 120537\_Abdellatief Settlement\_20121115.pdf

Date	Ver.	Action By	Action	Result
11/15/2012	1	City Commission	Approved as Recommended	Pass

**Ayman Abdellatief v. City of Gainesville; Presuit claim arising from an accident that occurred in Gainesville, Alachua County, Florida on or about November 7, 2011.**

On November 7, 2011, Mr. Ayman Abdellatief, a doctoral candidate graduate student at the University of Florida, was riding his bicycle southbound in the designated bicycle lane on Gale Lemerand Drive, immediately south of the intersection with Museum Road. A Regional Transit System bus was also traveling south on Gale Lemerand Drive directly to the left of Mr. Abdellatief. As the bus and bicycle approached the driveway to the Commuter Lot, the bus moved to the left in order to facilitate a wide right turn into the Commuter Lot. Mr. Abdellatief applied the brakes of the bicycle in an effort to avoid collision with the bus turning into his path. As Mr. Abdellatief took the bicycle to the ground, the rear wheels of the bus collided with him, travelled over his lower torso and dragged him for a short distance. Among other injuries, Mr. Abdellatief suffered multiple complex fractures to both hips, his sacroiliac joint, and L5 vertebra, a degloving injury to his right arm, and disarticulation fractures of four of the fingers on his right hand. He presently has very limited use of his right forearm and hand. To date, Mr. Abdellatief has undergone multiple surgeries resulting from this accident with additional surgical procedures anticipated. The sum of his medical bills to date exceeds \$350,000. If this case were to proceed to trial, the permanent nature of Mr. Abdellatief’s injuries would lead him to also seek damages for pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of future medical treatment, loss of earnings, and loss of ability to lead and enjoy a normal life.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and his attorney, the City Attorney’s Office and Risk Management Department conducted a thorough evaluation and investigation of this claim prior to the filing of a lawsuit. A complete review of the applicable medical records was performed, a sworn deposition of the Mr. Abdellatief was conducted, and other witnesses were interviewed. 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. After cooperative, reciprocal due diligence was performed by both the City and lawyers for the claimant, a negotiated settlement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$200,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange Mr. Abdellatief will provide a

full and complete Release to the City including waiving the pursuit of a claims bill to the Legislature. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Funds are available in the City's General Insurance Fund.

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Ayman Abdellatief arising from an accident that occurred on or about November 7, 2011.