



Legislation Text

File #: 130267., **Version:** 2

ALFREDO NOBLE-RODRIGUEZ V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-2012-CA-1399 (B)

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Alfredo Noble-Rodriguez v. City of Gainesville; Alachua County Circuit Court Case No.: 01-2012-CA-1399, on behalf of the City.

On January 15, 2009, a City of Gainesville RTS bus was involved in an accident with a vehicle driven by Plaintiff Alfredo Noble-Rodriguez. Both vehicles were proceeding south on US 441, when the bus attempted to make a U-turn as part of its assigned route. The bus crossed southbound lanes of travel and came to a rest in the median with its tail-end obstructing southbound traffic in the inside lane of US 441. The Plaintiff's vehicle struck the left rear of the RTS bus. The City bus driver was cited for a traffic violation.

Mr. Noble-Rodriguez sought medical treatment, and, ultimately, surgery for injuries sustained in the accident. His physicians opined that he suffered permanent injuries resulting from this accident, and he incurred medical bills totaling \$68,729.00. At trial, Mr. Noble-Rodriguez also anticipated presenting claims for lost wages, pain and suffering, loss of earning capacity, and future medical expenses.

Mr. Noble-Rodriguez filed suit in April 2012 and served the City in May 2012. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on August 19, 2013. 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 \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Mr. Noble-Rodriguez and his attorney in the amount of \$60,000.00, 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.