



Legislation Text

File #: 170290., **Version:** 1

Ruthie Arad v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2015-CA-3231(NB)

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Ruthie Arad v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2015-CA-3231, on behalf of the City.

On January 3, 2014, Plaintiff Ruthie Arad fell while walking on a City sidewalk located on SW 31st Drive in Gainesville. She claimed to have tripped over a raised section of sidewalk. Ms. Arad was transported for emergency medical treatment, and, ultimately, surgery for significant knee injuries sustained in the accident. She was hospitalized for four days, and underwent extensive physical therapy and rehabilitation. Her physicians opined that she suffered permanent injuries resulting from this accident, and she incurred medical bills exceeding \$96,000.00. Her physicians also testified that she would need an additional surgery in the near future, and she should expect a more significant surgical procedure at a later date. Ms. Arad was unable to bear weight on her injured knee for four months, and was limited in her ability to stand for an additional three months. She is a professional hair stylist, and was unable to work while she could not stand, and her ability to earn income was curtailed for almost a year. At trial, Ms. Arad also anticipated presenting claims for past and future mental anguish and pain and suffering.

Ms. Arad filed suit in September 2015 and served the City in October 2015. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on February 15, 2017. The mediation initially reached an impasse, but both parties continued to negotiate as discovery and trial preparation continued. The City aggressively 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 August 3, 2017, representatives for the City reached a settlement of all claims with Ms. Arad and her attorneys in the amount of \$90,000.00, 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.