



Legislation Text

File #: 140005., **Version:** 1

PHILLIP MICHAEL JONES V. CITY OF GAINESVILLE, FLORIDA; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-2077 (B)

The City Commission: 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Phillip Michael Jones v. City of Gainesville, Florida; Eighth Judicial Circuit, Case No. 2013-CA-2077 on behalf of the City.

On November 15, 2011, a City of Gainesville RTS bus struck a bench at a bus stop located in the parking lot of the Oaks Mall at 6419 West Newberry Road. Prior to the accident, the Plaintiff was sitting on the bench waiting for a bus. As the bus proceeded through the bus stop area, it collided with a concrete ash tray that was adjacent to the bench. The ash tray impacted the bench, and the Plaintiff was thrown to the ground.

Mr. Jones sought emergency medical treatment on the day of the accident, and follow-up treatment in the successive months. Multiple MRIs revealed a disk bulge related to the accident that his physician opined would necessitate future surgical intervention. To date, he has incurred medical bills in excess of \$23,000. At trial, Mr. Jones also anticipates presenting claims for lost wages, past and future pain and suffering, loss of earning capacity, and future medical expenses.

Mr. Jones served the City with this lawsuit in May 2013. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on May 14, 2014. 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. Jones and his attorneys in the amount of \$49,000, 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.

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