



Legislation Text

File #: 140748., **Version:** 1

Cornelius Minafield and Eula Daniels v. City of Gainesville; Case No. 2014-CA-1958; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

The City Commission: 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claims of Cornelius Minafield and Eula Daniels arising from an accident that occurred on or about November 25, 2012.

On November 25, 2012, Ms. Daniels was driving a vehicle with Mr. Minafield as a front-seat passenger when she collided with a Gainesville Police Department marked vehicle at the intersection of SE 4th Avenue and SE 3rd Street, in Gainesville. The police vehicle was responding to an emergency call with lights activated. The traffic light was green for Ms. Daniels and Mr. Minafield, and they denied observing the police vehicles lights. The Gainesville Police Department conducted an internal Vehicle Incident Review Board administrative investigation into the accident, and found that the officer could have prevented the accident. The officer was disciplined as a result of the accident.

Emergency vehicles responded to the scene of the accident, and transported Mr. Minafield and Ms. Daniels to the Shands Hospital Emergency Room. Mr. Minafield claimed extensive spinal injuries related to the accident, and underwent surgery for a three-level spinal fusion. In total, Mr. Minafield incurred medical bills in excess of \$228,000 after the accident. Ms. Daniels' medical bills exceeded \$14,000. Both Mr. Minafield and Ms. Daniels asserted that their injuries resulted in permanent impairments that would lead to future medical expenses, lost wages and/or the ability to earn wages, and past and future pain and suffering.

During the course of discovery, counsel for both the City and Mr. Minafield and Ms. Daniels conducted depositions of the parties and witnesses. A complete review of the applicable medical records was performed, as well as a review of the City's policies and practices regarding emergency response vehicles. 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 \$200,000.00 per person and \$300,000.00 per incident. At court-ordered mediation, a negotiated settlement was achieved. Representatives for the City agreed to recommend a total settlement in the amount of \$217,500 (\$180,000 to Mr. Minafield and \$37,500 to Ms. Daniels), subject to the approval of the City Commission. In exchange, Mr. Minafield and Ms. Daniels will provide full and complete Releases to the City. 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.