



## Legislation Text

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**File #:** 150097., **Version:** 1

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**Christopher Youngs v. City of Gainesville; Presuit claim arising from an accident that occurred in Gainesville, Alachua County, Florida on or about April 13, 2015. (NB)**

The City Commission 1) approve the terms of the negotiated settlement; and 2) authorize the City Attorney to settle the claim of Christopher Youngs arising from an accident that occurred on or about April 13, 2015.

On April 13, 2015, Mr. Youngs was walking westbound in the crosswalk on Center Drive at SW Archer Road. Witnesses stated Mr. Youngs had the walk signal. A Regional Transit System bus was attempting to turn left onto Center Drive on the flashing yellow arrow and struck Mr. Youngs while he was in the crosswalk. He was taken to Shands under a trauma alert in critical condition. Among other injuries, Mr. Youngs suffered bleeding in the brain, fractures in his face, ribs and arm. To date, Mr. Youngs has undergone surgery for his arm. As of May 5, 2015, the sum of his medical bills exceeds \$340,000. If this case were to proceed to trial, the permanent nature of Mr. Youngs' injuries would lead him to 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 review of this claim. 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 as this is limited to \$200,000. 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. Youngs 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.

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