



Legislation Text

File #: 150972., **Version:** 1

Meagan Lamothe v. City of Gainesville; Case No. 2015-CA-3399; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Meagan Lamothe arising from an accident that occurred on or about June 17, 2014.

On June 17, 2014, Ms. Meagan Lamothe, a student at the University of Florida, was riding her bicycle westbound in the designated bicycle lane on Museum Road, on the campus of the University of Florida. A Regional Transit System bus was also traveling west on Museum Road, and had passed Ms. Lamothe a few minutes prior to the accident. The bus stopped at a marked bus stop immediately east of Fraternity Row to allow a passenger to disembark. The bus waited for the passenger to cross Fraternity Row on foot prior to departing the bus stop to turn right onto Fraternity Row. As the bus proceeded to turn right, Ms. Lamothe had already begun to pass the bus with the intention of traveling straight on Museum Road. The bus driver appeared to activate the right turn signal after Ms. Lamothe had pulled even with the bus. Consequently, the bus struck Ms. Lamothe in the intersection, and pinned her under the weight of the bus. Gainesville Fire and Rescue responded to the scene, and used air bags to lift the bus and extricate Ms. Lamothe, who was transported to Shands Hospital for emergency care.

Among other injuries and damages, Ms. Lamothe suffered severe injuries to her right thigh and left ankle. Including the emergency care, surgical intervention, and necessary physical therapy and rehabilitation, Ms. Lamothe incurred medical bills through April 2015 totaling \$464,235.57. Her attorney reports that there are outstanding liens of over \$295,000. If this case were to proceed to trial, the past medical bills would be only a part of the damages Ms. Lamothe would seek to recover. The permanent and ongoing nature of Ms. Lamothe's injuries would lead her to also seek damages for future medical expenses, pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, loss of earnings, and loss of ability to lead and enjoy a normal life.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit. 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. A negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$175,000 subject to the approval of the City Commission of the City of Gainesville, and in exchange Ms. Lamothe 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.