



Legislation Text

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ALBERT FERGUSON VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2008-CA-3865 (NB)

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Albert Ferguson vs. City of Gainesville, Eighth Judicial Circuit Case No. 2008-CA-3865, on behalf of the City.

On August 12, 2008 a summons and complaint was served on the City of Gainesville. Mr. Ferguson was the driver of a vehicle involved in an automobile accident with a City of Gainesville, Gainesville Regional Utilities dumptruck.

On October 18, 2007, Mr. Ferguson was driving his vehicle westbound on SW 16th Avenue in Gainesville. He encountered a green traffic light at the intersection with Main Street, and proceeded through the intersection. Immediately after clearing the intersection, the rear, driver-side section of Mr. Ferguson's vehicle was sideswiped by the front, passenger-side of a City dumptruck, causing Mr. Ferguson's vehicle to careen into the curb on the north side of SW 16th Avenue. Mr. Ferguson was restrained by his seatbelt, and reported that the impact with the dumptruck and secondary impact with the curb caused the two left wheels on his vehicle to leave the ground.

Subsequent to the accident, Mr. Ferguson received emergency and followup medical care at the VA Hospital, where he was also employed as a Materials Handler, and from another physician. His claimed damages included bodily injury, loss of capacity for the enjoyment of life, expenses for medical care and treatment in the past and in the future, loss of earnings and ability to earn money. As an aside, Mr. Ferguson is an honorably-discharged veteran of the U.S. Army who served during the gulf war in the early 1990s.

At a Court-mandated mediation conference, counsel for Mr. Ferguson indicated that Mr. Ferguson would seek in excess of \$300,000 in damages at trial. The City and Mr. Ferguson reached a settlement of \$72,000 conditioned upon approval by the City Commission. 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.