



Legislation Text

File #: 170139., **Version:** 1

MELISSA LYNN BIGBIE v. CITY OF GAINESVILLE; CASE NO. 2016-CA-1196; EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY, FLORIDA (NB)

The City Commission 1) authorize the acceptance of the Plaintiff's proposal for settlement; and 2) authorize the City Attorney to settle the claim of Melissa Lynn Bigbie arising from an accident that occurred on or about April 8, 2013 for a sum up to and including \$35,000.

On April 8, 2013, Ms. Melissa Lynn Bigbie, was a passenger on an RTS bus along with her two small children travelling westbound on SE 4th Avenue approaching the roundabout intersection with SE 7th Street. In order to avoid a collision with a vehicle entering the intersection from the south, the bus driver stopped short. The Plaintiff, while holding her infant, fell to her knees in the bus aisle. Ms. Bigbie was transported from the site of the incident to the emergency room to seek medical attention

Ms. Bigbie primarily claims injuries to the lumbar region of her back, along with other injuries and damages. Including the emergency care, diagnostic tests, follow-up medical care, and physical therapy and rehabilitation, Ms. Bigbie claims medical bills totaling in excess of \$28,850. If this case were to proceed to trial, the past medical bills would be only a part of the damages Ms. Bigbie would seek to recover. She would also seek damages for future medical expenses, pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

During the course of discovery, counsel for the City conducted witness interviews and took the deposition of Ms. Bigbie. A complete review of the applicable medical records was performed. 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. Court-ordered mediation was scheduled, but has been postponed. On May 25, 2017, the plaintiff served a Proposal for Settlement offering to settle the claim in its entirety for \$35,000. The effect of a Proposal for Settlement is that, if not accepted within 30 days, the party serving the proposal would be entitled to seek attorneys' fees if a judgment is entered that is in excess of 25% over the proposed amount. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for the proposed amount.

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