



Legislation Text

File #: 211335., Version: 1

Richantae A. Johnson v. City of Gainesville, Florida; Case No. 2021-CA-0102; 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 Richantae A. Johnson, arising from an accident that occurred on or about July 1, 2019.

On July 1, 2019, at 3:04 p.m., Plaintiff Richantae Johnson, a UF law student, was traveling in a line of cars heading south on N. Main Street. Officer S. Jones of the Gainesville Police Department was driving behind Plaintiff. Traffic was bumper-to-bumper, proceeding slowly when Plaintiff suddenly came to an abrupt halt. Officer Jones was unable to stop his vehicle in time to avoid a collision. Officer Jones observed Plaintiff looking down, possibly at a cell phone, and distracted. However, Ms. Johnson's cell phone records indicate that she was not on a call at the time of the accident.

Although damage to Plaintiff's vehicle was modest, Plaintiff claimed injuries to her back, neck, shoulders, hips and knees. Medical examination found evidence of disc bulges in the lumbar back and a tear of the posterior horn of the medial meniscus of Plaintiff's right knee. Plaintiff denied any preexisting injuries to the lower back or knee. Plaintiff underwent a surgical repair of the torn meniscus, and treatment for her back consisting of steroid injections and several months of physical therapy. She contends that her injuries are permanent and debilitating. Her medical bills and out of pocket expenses exceed \$50,000. Were the case to proceed to trial, Plaintiff would seek to introduce testimony from her treating physician asserting that the injuries to her knee and back were caused by the accident. Plaintiff would seek to recover for pain and suffering and lost wages from her employment as a Title IX sex discrimination claims investigator for Kent State University.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit, in addition to an Internal Affairs investigation conducted by GPD. In Florida, there is a presumption of negligence against a driver who rear-ends another driver. The presumption can only be overcome with overwhelming evidence placing blame on the lead-vehicle driver. In light of these challenges, the City's defense has focused on issues of damages and causation. However, given Plaintiff's young age, and lack of medical history, proving that injuries to the back and knee were preexisting and not caused by this accident would be a further challenge. 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 per person and \$300,000 per incident. After court-ordered mediation, a negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$148,500, subject to the approval of the City Commission of the City of Gainesville, and in exchange Ms. Johnson will provide a full and complete Release 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.