



Legislation Details (With Text)

File #: 170534. **Version:** 1 **Name:**
Type: Staff Recommendation **Status:** Passed
File created: 10/31/2017 **In control:** City Attorney
On agenda: 11/16/2017 **Final action:** 11/16/2017
Title: Eugene Thurman v. City of Gainesville; Case No. 2017-CA-764; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

Sponsors:

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Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|-------------------------|--------|
| 11/16/2017 | 1 | City Commission | Approved as Recommended | |

Eugene Thurman v. City of Gainesville; Case No. 2017-CA-764; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

The City Commission 1) approve the terms of the mediated settlement agreement; and 2) authorize the City Attorney to settle the claim of Eugene Thurman arising from an accident that occurred on or about April 1, 2016.

On April 1, 2016, shortly after 8:00 a.m., Eugene Thurman was riding his bicycle northbound on the sidewalk on the west side of N. Main Street. Even though there was a bicycle lane available, and he was traveling in the opposite direction of vehicular traffic, Mr. Thurman's use of the sidewalk was not unlawful. As Mr. Thurman approached the intersection of N. Main Street with NE 35th Avenue, a City pickup truck from the GRU Field Services Division was stopped at the stop sign on NE 35th Avenue heading east. The driver of the City pickup truck was a utility meter reader acting in the course and scope of his employment who intended to turn right onto N. Main Street. As the City pickup truck attempted to enter the intersection, the truck and the bicycle came into contact with one another.

Mr. Thurman sought chiropractic care within a week after the accident, and follow-up medical attention, including corticosteroid injections to his lower back. He claimed injuries to his neck, spine, and hip, with numbness and tingling in his lower right extremities. Mr. Thurman sought recovery of chiropractic and medical bills totaling over \$24,000.00 as well as 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 Mr. Thurman. A complete review of the applicable chiropractic and medical records and past employment 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 conducted, and a negotiated settlement was achieved. Representatives for the City agreed to recommend a total settlement in the amount of \$38,500.00, subject to the approval of the City Commission of the City of Gainesville. In exchange,

Mr. Thurman 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.

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