



## Legislation Text

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**File #:** 120080., **Version:** 0

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GENENE BARTLEY V. CITY OF GAINESVILLE CASE NO.:01-2010-CA-6601; EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY (B)

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the lawsuit styled Genene Bartley v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2010-CA-6601, on behalf of the City.

On December 8, 2010, the Plaintiff, Ms. Bartley, served the City in this lawsuit for damages related to an automobile accident. Ms. Bartley's claim against the City arose from an automobile accident that occurred on October 23, 2008 at the intersection of NE 1st Avenue and NE 11th Street. A Gainesville Police Department vehicle was travelling east on NE 1st Avenue, and Ms. Bartley's vehicle was travelling south on NE 11th Street. The intersection was regulated only by stop signs controlling East-West traffic.

Subsequent to the accident, Ms. Bartley received emergency medical attention, and then follow-up care in Gainesville and New York where she now resides. She has incurred medical expenses secured by liens in excess of \$27,000, primarily for injuries to the lumbar area of her back, and also for treatment of her neck and shoulder. Ms. Bartley initially demanded payment of the statutory cap of \$100,000.

This matter is set for jury trial in July 2012. All parties to this litigation and their respective legal counsel attended Court-ordered mediation on May 23, 2012. After mediation and continued negotiations, a mediated settlement agreement was arrived at whereby the City would pay the sum of \$35,000.00 in full and final settlement of Ms. Bartley's claims along with \$618.75 in costs to the mediator, subject to approval by the City Commission. It is the recommendation of the City Attorney's Office and the Risk Management Department that the Mediated Settlement Agreement is approved, and the case be settled.