



Legislation Text

File #: 150581., **Version:** 1

Erica Martin v. City of Gainesville; Presuit claim arising from an automobile accident that occurred in Gainesville, 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 Erica Martin arising from an accident that occurred on or about April 5, 2013.

On April 5, 2013, Erica Martin was a seat-belted driver of a vehicle travelling south on 34th Street at the intersection with West University Avenue. A Gainesville Police Department vehicle driven by Officer Steven Carter was westbound on University Avenue. As Officer Carter approached the intersection, he activated his emergency lights and proceeded through the red light in pursuit of a motorist that he suspected ran the red light before him. Officer Carter did not activate his siren. Ms. Martin's view from the north was obscured by a sports utility vehicle that was properly stopped in the inside left-turn lane on 34th Street, and the bright lights of a gas station on the northeast corner of the intersection. Officer Carter proceeded into the path of Ms. Martin's vehicle in the middle of the intersection.

Ms. Martin incurred facial lacerations and suffered post-traumatic headaches for months after the accident. She accrued medical bills in excess of \$23,000.00 for treatment related to the automobile accident, non-inclusive of potential, future surgery to alleviate scarring of her forehead. In addition to past and future medical treatment, Ms. Martin enunciated claims for pain and suffering and lost wages.

Due to the nature of the accident and injuries, and with the cooperation of the claimant and her attorneys, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of these claims prior to the filing of a lawsuit. 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. Both parties participated in mediation, and reached an agreement. Representatives for the City agreed to recommend a payment in the amount of \$45,000.00 to Ms. Martin, subject to approval by the City Commission. In return, Ms. Martin 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.