



Legislation Text

File #: 190683., **Version:** 1

Addison Chantz Thomas v. City of Gainesville d/b/a Gainesville Regional Utilities; Case No. 2018-CA-361; 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 claims of Addison Chantz Thomas, arising from an accident that occurred on or about October 7, 2015.

On October 7, 2015, at approximately 8:19 p.m., a City-owned sports utility vehicle driven by a City employee collided with a pickup truck carrying Mr. Thomas as a front-seat passenger. The accident occurred at the intersection of NW 115th Terrace and NW 39th Avenue. Prior to the accident, the City employee (since retired) was heading home after using the gym located at the GRU Eastside Operations Center. The City vehicle was assigned to the employee as a take-home vehicle. The employee, who had supervisory authority over the GRU electric substations, was heading west on NW 39th Avenue and decided to check whether the gate at the Springhill substation on NW 115th Terrace was properly secured. After visually checking the gate, the employee made a u-turn and proceeded back toward NW 39th Avenue. Upon reaching the intersection with NW 39th Avenue, the employee failed to stop at the stop sign, and collided with the pickup truck that was travelling west on NW 39th Avenue. The pickup truck rolled over and ejected two passengers, including Mr. Thomas.

Emergency vehicles reported to the scene of the accident, and Mr. Thomas was transported to the emergency room with life-threatening injuries. He suffered significant injuries, underwent multiple surgeries, and was hospitalized for 24 days. Many of the injuries are permanent or ongoing in nature. His medical bills related to this accident exceeded \$300,000. At trial, his claimed damages would include the medical bills, plus future medical treatment, lost wages, and for damages related to pain and suffering, mental anguish, inconvenience, and loss of capacity for the enjoyment of life.

The City Attorney's Office, the Risk Management Department, and Gainesville Regional Utilities conducted a thorough evaluation and investigation of this lawsuit. Consideration was also given to the fact that the City enjoys the protection of Sovereign Immunity and Florida operates under a pure comparative negligence standard. Any percentage of fault attributed to the City by way of actions or inactions of the driver would be applied to the damages to determine a verdict in this matter. 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. Prior to court-ordered mediation, a settlement agreement was achieved. Representatives for the City agreed to recommend a settlement in the amount of \$100,000, subject to the approval of the City Commission of the City of Gainesville, and, in exchange, the Plaintiff will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office, the Risk Management Department, and Gainesville Regional Utilities that the case be settled for that amount.

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

