



Legislation Text

File #: 210293., **Version:** 1

Steffi Baer v. City of Gainesville; Case No. 2020-CA-1090; 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 Steffi Baer, arising from an incident that occurred on or about June 15, 2018.

On June 15, 2018, at approximately 10:45 AM, a City-owned RTS bus was traveling its scheduled route westbound on Stadium Road approaching the intersection with Gale Lemerand Drive on the campus of the University of Florida. The route called for the bus to turn left to head south on Gale Lemerand Drive. The intersection was controlled by a traffic signal. As the bus approached the intersection, it passed the Plaintiff walking westbound on the sidewalk on the south side of Stadium Road. The bus stopped at the red light, followed shortly thereafter by the Plaintiff. After the light turned green for westbound travel, the Plaintiff entered the crosswalk to cross Gale Lemerand Drive. The bus driver failed to see the Plaintiff and proceeded to turn left directly toward the Plaintiff. The Plaintiff leapt out of the path of the oncoming bus. The parties disagree as to whether the bus contacted the Plaintiff, but it is clear that, absent the last-moment actions of the Plaintiff, she would have been struck by the bus. At all times, the Plaintiff was a pedestrian lawfully on the sidewalk or crosswalk. The bus driver is no longer employed by the City.

As a result of her evasive actions to avoid the oncoming bus, the Plaintiff claims to have suffered bodily injury, expense of medical care and treatment, pain and suffering of both a physical and mental nature, wage loss, and other damages. Specifically, she suffered bruising to her upper body, and injuries to her legs and knees, including ongoing patellofemoral pain syndrome in her left knee. The past medical bills, including physical therapy, and other out-of-pocket expenses exceed \$32,000.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with the Regional Transit System. 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 \$46,500, 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 and the Risk Management Department that the case be settled for that amount.

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