



Legislation Text

File #: 211275., **Version:** 1

J.H., a Minor, by his Parent and Next Friend, Kimberly Price v. Rodney Robinson, Reichert House, Inc., and City of Gainesville, Florida; Case No. 2020-CA-1735; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

The City Commission authorize the City Attorney to accept an Offer of Judgment of the claim of J.H., a minor, arising from an incident that occurred on March 17, 2020.

On March 24, 2021, the City of Gainesville was served with an Amended Complaint alleging that, on March 17, 2020, a Reichert Hose counselor committed battery upon a 12-year-old boy participating in the Reichert House after school program for at-risk boys. The counselor, Rodney Robinson claimed he was merely attempting to remove the boy from the classroom for being disruptive. Cell phone footage briefly captured the counselor pulling the minor by the hood of his sweatshirt. Mr. Robinson was arrested for child abuse and was promptly terminated from his employment through the program.

The minor has claimed physical and emotional injuries as a result of the incident. His mother filed suit on his behalf, accusing both Robinson and the City of battery, and alleging the City was negligent in hiring, training and supervising the counselor. The City maintains that Mr. Robinson was thoroughly screened, his record did not reveal any concerning conduct, the incident was unforeseeable, and the behavior of the counselor was outside the scope of his employment.

The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit in conjunction with GPD. 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. The minor, through his mother, has proposed an offer of judgement, pursuant to section 768.79, Florida Statutes, in the amount of \$45,000. Should the City accept the offer, the case will be dismissed. Should the City reject the offer, and should Plaintiff recover at least 25% more than this amount (at least \$56,250) in a judgment at trial, Plaintiff would be entitled, per the rule, to also recover reasonable attorneys' fees as a sanction for the City's rejection of the offer. Given the nature of the allegations, and investigation, it is the recommendation of the City Attorney's Office and the Risk Management Department that the City accept the Plaintiff's offer.

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