

AGENDA ITEM SUMMARY

Meeting Date:	JULY 17, 2019
Agenda Category:	CONSENT BUSINESS
Agenda Item Number:	10 E
Subject:	PROPOSED SETTLEMENT AGREEMENT – WOODS V. CITY OF ROCKLEDGE (CITY MANAGER)
Attachments:	Memorandum; proposed agreement
Staff Contact:	City Manager Fettrow
Background:	A City employee operating a City vehicle had an accident in said vehicle, which led to a lawsuit being filed against the City. Through extensive mediation, a proposed settlement amount of \$150,000.00 has been reached. Insured through the Florida Municipal Insurance Trust (FMIT), the City will have no additional cost, as its deductible has already been fulfilled.
Reference:	
Suggested Action:	Approve the settlement agreement in the amount of \$150,000.00

Memorandum

*approved to
go to Council.
Dr. Fettrow
7/8/2019*

To: Dr. Fettrow
CC: Corey Harris
From: Matthew D. Trine
Date: 07/17/2019
Re: Settlement – Woods, Jr., Thomas v. City of Rockledge

The City has been made aware of a settlement agreement in regards to the above case. The settlement is a final, full, and complete settlement, for which the City is insured. The total settlement amount is \$150,000, but will result in no additional deductible cost to the City, as this deductible has already been paid with the occurrence of the initial incident. It is staff's recommendation that the Council approve this settlement agreement.

Respectfully,



Matthew D. Trine
Assistant City Manager
Director Finance & Risk Management

Mr. Lavi Niv
May 23, 2019
Page 2

Pursuant to the Trial Order, my deadline to disclose our CME physician is coming up shortly. Based on the facts of this circumstance, I do not anticipate disclosing any experts aside from a CME physician. However, disclosing a CME physician means retaining and paying the physician as well. Because it appears we are on a track to resolve this matter, I would prefer to avoid the cost of retaining a CME physician. I have spoken with Plaintiff's counsel who has agreed to not oppose a motion to extend our expert disclosure deadline until seven days after the upcoming mediation. This is clearly a gesture of goodwill on his behalf and I expect they are interested in resolving this matter as soon as possible.

As soon as I have an Order on our motion to enlarge the time for Defendants to disclose their expert witnesses, I will inform you of that. In the meantime, I would again formally request settlement authority in this matter of \$150,000.00. I will make every effort to lower Plaintiff's demand further and will certainly keep you advised as to our efforts in that regard.

As always, please do not hesitate to contact me should you desire to discuss this matter further or if you would like any additional information regarding this claim.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'John T. Conner', with a long horizontal flourish extending to the right.

John T. Conner

JTC/mr
cc: Matthew Trine
00211826