



City of Gainesville Agenda Report

File #: 2022-759

Agenda Date: December 1, 2022

Department: City Attorney

Title: 2022-759 Jevon Gumbs v. City of Gainesville, Florida; Pre-suit Litigation. (NB)

Description: Approval of a pre-suit settlement of a personal injury claim arising from a traffic accident between a City RTS bus and another vehicle in the amount of \$60,000 in exchange for a full and complete release of liability.

Explanation: On June 26, 2021, around 4:20 p.m., Plaintiff Jevon Gumbs was traveling eastbound on NE 8th Ave., approaching a four-way stop at the intersection with NE 26th St. A city bus traveling southbound on NE 26th St., and a truck traveling northbound on NE 26th St., also came to the same intersection and stopped. Plaintiff alleges that as he proceeded through the intersection, he observed the bus run the stop sign. Plaintiff swerved to avoid the bus and collided with the truck. Plaintiff claimed injuries to his lower back. Plaintiff's medical bills and out of pocket expenses exceed \$50,000, and Plaintiff has been recommended for further costly medical treatment.

Were the case to proceed to trial, Plaintiff would seek to introduce testimony from his treating physician asserting that the injuries to his back were caused by the accident. Plaintiff would seek to recover for pain and suffering and lost wages. The City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this lawsuit. There is evidence to suggest the Plaintiff entered the intersection before any other vehicle and had the right of way.

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. A pre-suit negotiated settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$60,000, subject to the approval of the City Commission of the City of Gainesville, and in exchange Mr. Gumbs 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 Note: Funds are available in the City's General Insurance Fund.

Recommendation:

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Jevon Gumbs, arising from an accident that occurred on or about June 26, 2021.