



## City of Gainesville Agenda Item Report

---

**File Number:** 2023-1002

**Agenda Date:** October 19, 2023

**Department:** City Attorney

**Title:** 2023-1002 Rianna Washington v. City of Gainesville, Florida; Case No. 2022-CA-1631; Eighth Judicial Circuit, in and for Alachua County, Florida (NB)

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

**Explanation:** On May 23, 2021, around 11:23 p.m., Officer Dimitri Wilson was driving on SW 40<sup>th</sup> Blvd, south of Archer Road, in pursuit of a wanted felon reportedly hiding out in the vicinity. While traveling north on SW 40<sup>th</sup> Blvd, Officer Wilson missed his turn, traveling a few feet past the entryway to an abandoned lot he was planning to search. He came to a stop, put his vehicle into reverse, and began to back up a few feet in the roadway, whereupon he impacted the Plaintiff's vehicle. Plaintiff attempted to back up but was unable to avoid the collision. Plaintiff is claiming injuries to her neck, shoulders and back. Plaintiff asserts her damages are well in excess of \$200,000.00.

Were the case to proceed to trial, Plaintiff would seek to introduce testimony from her treating physician asserting that the injuries to her neck, shoulders and 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 and there is no dispute that Officer Wilson was operating his vehicle in reverse on the public Street before impact.

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 \$117,000, subject to the approval of the City Commission of the City of Gainesville, and in exchange Ms. Washington 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.

**Recommendation:** The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Rianna Washington, arising from an accident that occurred on or about May 23, 2021.