



City of Gainesville Agenda Item Report

File Number: 2024-119

Agenda Date: February 1, 2024

Department: City Attorney

Title: 2024-119 Latoya Richardson o.b.o. GH, a minor, v. City of Gainesville, Florida; Case No. 2022-CA-3390; Eighth Judicial Circuit, in and for Alachua County, Florida (NB)

Department: City Attorney's Office

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

Explanation: On February 24, 2022, fifteen-year-old G.H. was riding on a City bus. Another passenger boarded the bus. This passenger and G.H. began to engage in an escalating pattern of banter, including what appeared to be the passenger offering G.H. a drink of what was alleged to have been an alcoholic beverage. When this passenger went to disembark the bus, he took a swing at G.H. and then they tumbled out onto the bus stop, and in the resulting fracas, the passenger bit G.H. on the left hand and also bit the top-rear portion of G.H.'s left ear off. The missing portion of G.H.'s ear was never found, and he had to undergo surgery on his hand and reconstructive surgery on his ear, and may need further surgeries in the future. Richardson, as G.H.'s mother, brought suit and contended that the bus driver's acquiescence to this escalating pattern events was negligent, and would have offered video evidence, medical evidence, and expert witness testimony to support this claim. G.H. incurred approximately \$95,000 in past medical damages, including multiple surgeries, and would have alleged ongoing and future medical damages and pain, suffering and trauma as a basis for extensive damages had the case gone to trial.

The City's liability limit is \$200,000 per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes. Through negotiations with the City Attorney's Office, Plaintiff has agreed to accept \$99,000 in full settlement of her claim. It is the recommendation of the City Attorney's Office and the Risk Management Department that the City settle the claim for \$99,000, and avoid the risk of greater liability at trial.

Recommendation: The City Commission authorize the City Attorney to enter into a settlement agreement to resolve the claim of Latoya Richardson, on behalf of her minor son G.H., arising from an incident that occurred on or about February 24, 2022 when G.H. had his ear bitten off during an altercation with another passenger on a City bus.