



City of Gainesville Agenda Item Report

File Number: 2024-203

Agenda Date: March 7, 2024

Department: Office of the City Attorney

Title: 2024-203 Meshell Ferguson o.b.o. Karen Thorns v. City of Gainesville; Case No. 2019-CA-3220; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

Department: City Attorney

Description: On January 6, 2017, Ms. Thorns was a passenger on a City bus when another City bus collided with the bus she was riding in. She received medical treatment in connection with this incident, and was later diagnosed with a herniated disc in her back. Later she underwent surgical procedures including nerve root-blocking and ablations, which aim to relieve back pain by essentially burning out the nerve on the spine that transmits pain to the brain. Meshell Ferguson, Ms. Thorns' sister, has been appointed as guardian over her affairs following health complications. It is claimed that the cost of Ms. Thorns' past medical care in connection with this case is approximately \$98,000.

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 \$47,500 in full settlement of the claim. Should the matter proceed to trial, a jury would likely be able to consider the fully-billed cost of Ms. Thorns' past medical expenses, along with her claims of past and future pain and suffering. It is the recommendation of the City Attorney's Office and the Risk Management Department that the City settle the claim for \$47,500, and avoid the risk of greater liability at trial.

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

Recommendation: The City Commission authorize the City Attorney to enter into a settlement agreement to resolve the claim of Meshell Ferguson, on behalf of Karen Thorns, arising from an incident that occurred on or about January 6, 2017 when Karen Thorns was involved in a crash between two City buses.