



City of Gainesville Agenda Item Report

File Number: 2024-337

Agenda Date: April 18, 2024

Department: Office of the City Attorney

Title: 2024-337 Kennetha Brown v. City of Gainesville; Case No. 2023-CA-1786; Eighth Judicial Circuit, in and for Alachua County, Florida (NB)

Department: Office of the City Attorney

Description: On November 4, 2021, Ms. Brown was driving her scooter westbound on East University Avenue on her way to work, and was stopped at the intersection with Waldo Road. A Gainesville Police Department patrol vehicle (a Ford Explorer) was stopped at the same light directly in front of her. The Officer driving the Explorer received a call for service, requiring the Officer to head north on Waldo Road. To proceed with the right turn, the Officer reversed to avoid the raised median separating his lane from the turn lane. When he reversed, he made contact with the scooter Ms. Brown was driving. Ms. Brown received medical treatment in connection with this incident, and was diagnosed with a herniated disc in her back. Later she underwent surgical procedures including epidural steroid injections and nerve ablations, which aim to relieve back pain by essentially burning out the nerve on the spine that transmits pain to the brain. Her past medical expenses are approximately \$60,000 and estimates of her future medical care claimed by her attorneys are approximately \$160,000.

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 \$81,067.27 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. Brown's past medical expenses, along with her claims of future medical care expenses as well as 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 \$81,067.27, 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 Kennetha Brown, arising from an incident that occurred on or about November 4, 2021 when Kennetha Brown was involved in a motor vehicle accident with a Gainesville Police Department patrol vehicle.