



City of Gainesville Agenda Item Report

File Number: 2024-545

Agenda Date: July 18, 2024

Department: Office of the City Attorney

Title: 2024-545 Kaleb Moreno-Griffin v. City of Gainesville; Case No. 2022-CA-2233 20240718 (NB)

Department: Office of the City Attorney

Description: On December 5, 2021, Mr. Moreno-Griffin was riding his skateboard south in the bike lane on 34th Street approaching the intersection of Clark Butler Blvd., in southwest Gainesville. Should the matter proceed to trial, his attorneys would offer evidence that, as he proceeded to transit this intersection, a GPD patrol vehicle made a right turn from 34th Street onto Clark Butler Blvd., and in so doing failed to yield the right of way and collided with him in a "car versus pedestrian" accident.

As part of his medical treatment in the case, Mr. Moreno-Griffin received MRI's which his attorneys would urge indicate that he sustained a herniation to his spine at the L5-S1 vertebrae. His attorneys would also likely argue that he would need to undergo epidural steroid injections in his back as a result of this accident, and that he would endure pain and suffering and require further medical care in the future. He was 25 at the time of the accident.

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. As a result of negotiation in litigation, Plaintiff has agreed to accept \$50,000.00 in full and final settlement of the claim. Should the matter proceed to trial, a jury would likely be able to consider the cost of Mr. Moreno-Griffin's past medical expenses, which were approximately \$13,000, along with his 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 \$50,000.00 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 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney settle the claim of *Kaleb Moreno-Griffin v. City of Gainesville*; Case No. 2022-CA-2233; Eighth Judicial Circuit, in and for Alachua County, Florida.