

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 1, 2024

DEPARTMENT: City Attorney

TITLE:

Settlement of personal injury lawsuit *Carlos Garcia Pina and Elizabeth Rodriguez v. City of Lake Worth Beach*

SUMMARY:

The proposed settlement for \$55,000 seeks to resolve the personal injury lawsuit of *Carlos Garcia Pina and Elizabeth Rodriguez v. City of Lake Worth Beach* (15th Judicial Circuit Case No. 502023CA005670XXXXMB).

BACKGROUND AND JUSTIFICATION:

This personal injury case allegedly arose out of a January 20, 2022 motor vehicle accident between the Plaintiff and Henry White, then an employee of the City of Lake Worth Beach. Plaintiff, now age 38, was traveling south on N. Dixie Highway and stopped at the intersection with 9th Avenue North with the intent to turn left. While stopped, he was rear-ended by Mr. White who was operating a City vehicle (2015 GMC 2500 truck). Mr. White was also struck from behind. There was significant damage to the rear of Plaintiff's vehicle. As a result, Plaintiff allegedly suffers from frequent headaches along with neck and low back pain radiating into his extremities potentially due to herniations at C4-7 and a disc bulge at L5-S1 for which Plaintiff has received treatment including a radiofrequency ablation and which may require future care including injections, rhizotomies and surgical intervention. Currently, Plaintiff's medical bills total \$90,322.50.

Plaintiff's wife also asserted a consortium claim and testified they separated as a result of the accident.

Based on liability being averse to the City, the amount of medical bills incurred and the future care recommendations, the parties tentatively agreed to a settlement amount of \$55,000 contingent upon City Commission approval. The Plaintiff will provide a release of the City in exchange for the settlement amount.

MOTION:

Move to approve/disapprove settlement for \$55,000 to resolve the personal injury lawsuit of *Carlos Garcia Pina and Elizabeth Rodriguez v. City of Lake Worth Beach* (15th Judicial Circuit Case No. 502023CA005670XXXXMB).

ATTACHMENT(S):

Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Inflows/Revenues					
Appropriated (Budgeted)	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows/Expenditures					
Appropriated (Budgeted)	\$55,000	0	0	0	0
Operating	0	0	0	0	0
Capital	0	0	0	0	0
Net Fiscal Impact					
<i>(If not budgeted)</i>	0	0	0	0	0
No. of Addn'l Full-Time					
Employee Positions	0	0	0	0	0

Contract Award - Existing Appropriation (Budgeted)	
	Expenditure
Department	Self-Insurance Fund
Division	Property & Liability
GL Description	Insurance/ Deduct/ Non-Covered Losses
GL Account Number	520-1331-513.45-60
Project Number	N/A
Requested Funds	\$55,000
Remaining Balance	\$706,400
Source of Revenue (i.e. Paygo. Current Revenue, Bond Money, Grants, etc.)	Current Revenues