

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 5, 2022

DEPARTMENT: City Attorney

TITLE:

Proposed Settlement of Pending Personal Injury Litigation with Leigh Shinohara

SUMMARY:

The proposed settlement will conclude the pending litigation with Leigh Shinohara regarding a personal injury claim for \$115,000 in exchange for a general release of the City.

BACKGROUND AND JUSTIFICATION:

The proposed settlement is to conclude the pending personal injury litigation filed against the City by the Plaintiff Leigh Shinohara. The case arose out of a trip and fall that occurred on October 20, 2019 on a sidewalk located at 230 Cornell Drive in the City of Lake Worth Beach. The Plaintiff was walking her dog that evening and did not notice a two-inch discrepancy between two sidewalk pieces. As a result, she suffered a fracture of the right radius and underwent corrective surgery after it healed incorrectly. Plaintiff alleged that the City failed to maintain the sidewalk in a reasonably safe condition, to correct a dangerous condition, to warn of a dangerous condition and the condition was known to or should have been known to the City. The medical bills incurred due to the Plaintiff's treatment total over \$80,000, all of which are outstanding as she did not have health insurance. This case recently went to mediation. Throughout the case, Plaintiff demanded the \$200,000 sovereign immunity cap to settle arguing liability, medical bills incurred, and the recommendations from her provider that future surgery would be necessary. The settlement is inclusive of attorney's fees and costs and will result in a general release of the City from the Plaintiff. The sidewalk at issue was repaired shortly after this incident as part of the neighborhood roadway improvement program.

MOTION:

Motion to approve/disapprove Settlement of Pending Personal Injury Litigation with Leigh Shinohara for \$115,000 in exchange for a general release of the City.

ATTACHMENTS:

Fiscal Analysis

