

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** October 17, 2023

**DEPARTMENT:** City Attorney

**TITLE:**

Settlement of personal injury lawsuit *N. D'Angelo v. City of Lake Worth Beach*

**SUMMARY:**

The proposed settlement for \$125,000 seeks to resolve the personal injury lawsuit of *N. D'Angelo v. City of Lake Worth Beach* (15<sup>th</sup> Judicial Circuit Case No. 502022CA008615XXXMB).

**BACKGROUND AND JUSTIFICATION:**

This personal injury case allegedly arose out of Plaintiff's fall from his skateboard as he was skateboarding through the crosswalk at or near the intersection of Lake Avenue and K Street on October 10, 2020 at approximately 7 p.m. Plaintiff alleges that he was traveling north on K Street when one of the front wheels of his skateboard struck a hole caused by a missing/broken paver, stopping his forward momentum, and causing him to fall to the ground.

As a result of the fall, Plaintiff allegedly suffered a fractured right tibia/fibula with surgical repair and hardware implantation. The total medical bills incurred by Plaintiff were approximately \$105,000. Plaintiff continues to have ongoing pain believed to be related to the hardware. As such, his treating orthopedist has recommended removal of the painful hardware with a global cost of approximately \$17,000. The City's outside counsel and Asst. City Attorney attended mediation in the case, which resulted in an impasse. After further discussions with Plaintiff's attorney, the parties tentatively agreed to a settlement amount of \$125,000 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 the settlement for \$125,000 to resolve the personal injury lawsuit of *N. D'Angelo v. City of Lake Worth Beach* (15<sup>th</sup> Judicial Circuit Case No. 502022CA008615XXXMB).

**ATTACHMENT(S):**

Fiscal Impact Analysis

**FISCAL IMPACT ANALYSIS**

Five Year Summary of Fiscal Impact:

<b>Fiscal Years</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
<b>Inflows/Revenues</b>					
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
<b>Outflows/Expenditures</b>					
Appropriated (Budgeted)	0	0	0	0	0
Operating	125,000	0	0	0	0
Capital	0	0	0	0	0
<b>Net Fiscal Impact</b> <i>(If not budgeted)</i>	125,000	0	0	0	0
<b>No. of Addn'l Full-Time</b> <b>Employee Positions</b>	0	0	0	0	0

<b>New Appropriation (Not Budgeted) Fiscal Impact:</b>		
	<b>Revenue Source</b>	<b>Expenditure</b>
Department		
Division		
GL Description		
GL Account Number		
Project Number		
Requested Funds		
Remaining Balance	N/A	

<b>Contract Award - Existing Appropriation (Budgeted)</b>	
	<b>Expenditure</b>
Department	Human Resources
Division	Risk
GL Description	Insurance/Deduct/Non-Covered Losses
GL Account Number	520-1331-513.45-60
Project Number	N/A
Requested Funds	125,000
Remaining Balance	17,340
Source of Revenue (i.e. Paygo. Current Revenue, Bond Money, Grants, etc.)	