

# **EXECUTIVE BRIEF REGULAR MEETING**

**AGENDA DATE:** May 19, 2022

**DEPARTMENT:** City Attorney

**TITLE:**

Proposed Settlement of Pending Personal Injury Litigation with Anita Murphy-Moore

**SUMMARY:**

The proposed settlement will conclude the pending litigation with Anita Murphy-Moore regarding a personal injury claim for \$125,000 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 Anita Murphy-Moore. The case arose out of a trip and fall that occurred on June 27, 2019 on a sidewalk located at 29 South H. Street in the City. The Plaintiff, Anita Murphy-Moore, was leaving the What-A-Buy store when she tripped over a severely cracked portion of sidewalk and fell. The sidewalk was repaired by the City shortly after the incident. As a result of her fall, Plaintiff claimed injury to her lower back, right hip, right toe, left ankle and right knee, with the lower back and right knee being the worst. Plaintiff ultimately underwent surgery related to her injuries and incurred medical bills totaling \$232,367.07. Future care of the Plaintiff was outlined in the case to consist of physical therapy and potential adjacent level surgeries. The City Attorney and outside counsel attended mediation with the Plaintiff's counsel, which ended at an impasse. The City's outside counsel continued to discuss settlement with Plaintiff's counsel and they have reached an agreement to settle the case for \$125,000.00 pending City Commission approval. The settlement is inclusive of attorney's fees and costs and will result in a general release of the City from the Plaintiff.

**MOTION:**

Motion to approve / disapprove Settlement of Pending Personal Injury Litigation with Anita Murphy-Moore for \$125,000 and general release of City

Attachments:

Fiscal Analysis

## FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

<b>Fiscal Years</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 0	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance