

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: October 19, 2021

DEPARTMENT: Risk/City Attorney

TITLE:

Settlement with Kathleen Clack for \$45,000 (inclusive of attorney's fees and costs)

SUMMARY:

This is a request to settle a personal injury claim filed by Kathleen Clack for injuries she sustained on March 11, 2019 at the City's Municipal Beach Complex. If approved, Ms. Clack will execute a general release in favor of the City.

BACKGROUND AND JUSTIFICATION:

On March 11, 2019, Kathleen Clack visited the City's Municipal Beach Complex and allegedly tripped on an uneven section of the walkway and ruptured a tendon in her left shoulder rotator cuff. Ms. Clack reported the trip to the City's ocean rescue team, who prepared a report indicating Ms. Clack suffered a left shoulder injury. In August of 2019, Ms. Clack had surgery to repair her left should rotator cuff. The cost of Ms. Clack's past and future medical expenses related to the injury have been estimated at \$181,450.

The City utilized outside counsel to initiate a pre-litigation resolution of Ms. Clack's claim. Based upon outside counsel's review of the documentation provided by Ms. Clack's attorney and review and discussion with the City's resolution manager from Gallagher Bassett and the City Attorney, the parties tentatively agreed to a pre-litigation settlement of \$45,000 (inclusive of attorney's fees and costs) in exchange for a general release from Ms. Clack.

MOTION:

Move to approve/disapprove settlement with Ms. Clack for \$45,000 (inclusive of attorney's fees and costs)

ATTACHMENT(S):

Fiscal Impact Analysis

