

# **EXECUTIVE BRIEF**

## **REGULAR MEETING**

**AGENDA DATE:** April 20, 2021

**DEPARTMENT:** Legal/Risk

**TITLE:**

Approval of Settlement with David Aquilino for \$45,000 (inclusive of attorney's fees and costs)

**SUMMARY:**

This is a request to settle a lawsuit filed by David Aquilino for injuries he sustained in August 2015 while riding his bicycle on North J Street. If approved, the Plaintiff will execute a general release in favor of the City.

**BACKGROUND AND JUSTIFICATION:**

This claim arises out of an accident that occurred on August 24, 2015, when Mr. Aquilino fell off his bicycle after hitting a pothole while trying to avoid a pothole on North J Street (near 5<sup>th</sup> Avenue North). As a result of the fall, Mr. Aquilino sustained injuries to his shoulder, which required surgery. Mr. Aquilino's medical bills totaled over \$65,000 (with potential future care needed) and with out of pocket costs of roughly \$20,000. The roadway was repaired by City staff and ultimately reconstructed as part of the Neighborhood Road Program.

Mr. Aquilino filed his lawsuit on August 2, 2019 against the City and within the applicable statute of limitations. The City was represented by Roberts, Reynolds, Bedard & Tuzzio, PLLC, in the lawsuit, which incurred approximately \$43,000 in attorney's fees and costs in defending the City.

**MOTION:**

Move to approve / not approve settlement with David Aquilino in exchange for a general release.

**ATTACHMENT(S):**

Fiscal Impact

## FISCAL IMPACT ANALYSIS

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

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	0	0	0	0	0
Operating Expenditures	45,000	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	FY21 Budget	Current Balance	Agenda Expenditure	Balance
520-1330-513.45-60	Ins/Deduct/Non-Covered Losses		550,000	511,471	45,000	466,471