

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: City Attorney

TITLE:

Approval of settlement with Adrian Tano Pascual for \$175,000 (inclusive of attorney's fees and costs)

SUMMARY:

This is a request to settle a personal injury lawsuit filed by Adrian Tano Pascual for injuries he sustained in an automobile accident with a former city employee on January 16, 2016. If approved, a general release will be executed in favor of the city.

BACKGROUND AND JUSTIFICATION:

This matter arises out of an automobile accident between the Plaintiff, Adrian Tano Pascual, and former City employee, Anthony Roberson. The accident took place on January 16, 2016. Liability is adverse to the City. As a result of the accident, Plaintiff claims injury to his head, neck and back with radicular symptoms. Initially Plaintiff underwent conservative treatment, and when that failed, he underwent lumbar medial block injections and cervical medial branch block injections. Ultimately, Plaintiff continued to be symptomatic and underwent two surgical procedures: (1) a lumbar endoscopic laser assisted discectomy at L4-5 and L5-S1; and (2) an anterior cervical disc replacement at C5-6. Plaintiff incurred approximately \$340,000.00 in medical bills with nearly \$328,000.00 which are still out of pocket as he did not utilize health insurance. The City recently settled this matter for \$175,000 contingent upon City Commission approval. These funds will be paid by the city's insurance carrier as the city has met its deductible.

MOTION:

Move to approve/disapprove settlement with Adrian Tano Pascual for \$175,000 (inclusive of attorney's fees and costs).

ATTACHMENT(S):

Fiscal Impact Analysis – N/A; Funds will be paid by City's insurance carrier.