

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: May 18, 2021

DEPARTMENT: Legal/Risk

TITLE:

Approval of Settlement with Dinorah De La Cruz for \$30,000

SUMMARY:

This is a request to settle a lawsuit filed by Dinorah De La Cruz for injuries she sustained on February 20, 2017 while walking near the south sidewalk of Benny's on the Beach. 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 February 20, 2017, when Ms. De La Cruz tripped and fell over a protruding water meter cover which was most likely due to subsidence/erosion under the sidewalk which would have occurred gradually. As a result of the fall, Ms. De La Cruz sustained injuries to her right shoulder, right knee, face and neck. Findings on the MRI of the right shoulder suggested an acute tear. Her treating physician recommended a shoulder reconstruction should the pain persist. Ms. De La Cruz's medical bills total over \$36,000 with out of pocket costs of roughly \$32,000.

The settlement is contingent upon City Commission approval.

MOTION:

Move to approve / disapprove the settlement with Dinorah De La Cruz in exchange for a general release.

ATTACHMENT(S):

Fiscal Impact Analysis

