

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: May 18, 2021

DEPARTMENT: Legal/Risk

TITLE:

Approval of Settlement with Martin Maldonado for \$30,000

SUMMARY:

This is a request to settle a lawsuit filed by Martin Maldonado for injuries he sustained on February 10, 2017 while walking on the sidewalk on the south side of 6th Avenue North. 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 10, 2017, when Mr. Maldonado tripped and fell over a piece of rebar protruding from the sidewalk. As a result of the fall, Mr. Maldonado sustained injuries to his face, head, neck, back and right knee pain. An MRI of the cervical spine revealed multiple herniated discs, and Mr. Maldonado underwent a series of epidural injections for the associated neck pain. Mr. Maldonado's medical bills total over \$51,000 with out of pocket costs of roughly \$34,000. His treating physician recommended a potential cervical surgery should the pain continue.

Mr. Maldonado filed his lawsuit on March 23, 2020 against the City within the applicable statute of limitations.

The settlement is contingent upon City Commission approval.

MOTION:

Move to approve / disapprove the settlement with Martin Maldonado in exchange for a general release.

ATTACHMENT(S):

Fiscal Impact Analysis

