

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** May 19, 2020

**DEPARTMENT:** Legal

**TITLE:**

Consideration of settlement with Ferol Lynne Voltaggio in the amount of \$110,000 (inclusive of attorney's fees)

**SUMMARY:**

This is a request to settle a lawsuit with Ms. Voltaggio for injuries she sustained in a trip and fall accident that occurred in January 2017. If approved, the claimant will execute a general release in favor of the City.

**BACKGROUND AND JUSTIFICATION:**

This case arises out of a trip and fall that occurred on January 14, 2017, when Plaintiff, Ferol Lynne Voltaggio, was walking on Lake Avenue near Starbucks (514 Lake Avenue). Plaintiff alleges she tripped and fell over a paver brick which was sticking up approximately a ½ inch above the other pavers. As a result of the fall, Plaintiff sustained an acute severe comminuted displaced distal humeral fracture of the left elbow and an acute comminuted displaced distal humeral fracture of the right elbow. These injuries required open reduction internal fixation of both elbows with plates and screws. Two surgeons operated on her simultaneously.

Plaintiff, who is the Program Developer and Career Pathways facilitator for Seminole State College as well as an adjunct professor, was out of work for a lengthy amount of time after her initial surgery and her adult son had to care for her following surgery as she could not do any activities of daily living on her own. Plaintiff underwent extensive physical therapy after surgery. Eventually, Plaintiff would have two more surgeries on her elbows and she may have to undergo additional surgery as time goes on. Plaintiff's medical expenses incurred to date total over \$130,000.

On April 29, 2020, the parties participated in court ordered mediation, and a settlement agreement was entered into for \$110,000, which is inclusive of attorney's fees and costs. The settlement agreement is contingent upon City Commission approval. Settlement is recommended.

**MOTION:**

Move to approve the settlement with Ms. Voltaggio in the amount of \$110,000 (inclusive of attorney's fees), in exchange for a complete release.

**ATTACHMENT(S):**

Fiscal Impact Analysis

**FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$110,000	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
<b>Net Fiscal Impact</b>	<b>\$110,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
 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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
520-1332-513-45-60	Self Insurance					

**C. Department Fiscal Review:\_\_\_\_\_**

**D. :\_\_\_\_\_**