

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** October 6, 2020

**DEPARTMENT:** Legal

**TITLE:**

Consideration of settlement with Plaintiff, Yoexis Aaron Melendrez Borlot in the amount of \$68,500 (inclusive of attorney's fees)

**SUMMARY:**

This is a request to settle a lawsuit with Mr. Melendrez Borlot for injuries he sustained in an automobile accident that occurred in August 2018. If approved, the claimant will execute a general release in favor of the City.

**BACKGROUND AND JUSTIFICATION:**

This case arises out of an accident that occurred on August 7, 2018, when a garbage truck driven by a city employee rear-ended Plaintiff, Yoexis Aaron Melendrez Borlot, on I-95, causing the Plaintiff's vehicle to in turn impact the vehicle in front of Plaintiff. Plaintiff's vehicle sustained a significant amount of damage to both the front and rear ends. Plaintiff is a lead professional dancer with Ballet Palm Beach but has stopped dancing due to the pain allegedly caused by this accident. To date, Plaintiff has medical bills of approximately \$32,000, and there is the possibility of future surgery.

Recently, the City participated in court ordered mediation where the parties have tentatively agreed to a settlement of \$68,500, which is inclusive of attorney's fees and costs. The settlement agreement is contingent upon City Commission approval, and is recommended.

**MOTION:**

Move to approve the settlement with Plaintiff in the amount of \$68,500 (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>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$68,500	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>\$68,500</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					