



M E M O R A N D U M

DATE: July 2, 2024

TO: City Council

FROM: Peter A. Lee, City Manager
Devan Kikendall, HR & Risk Management Director
William E. Sexton, City Attorney

RE: Proposed Bodily Injury Settlement: Tiffany Melkonian & Michael Secki
Date of Loss: March 20, 2021
Claim Number: L003387896
Case Number: 2022-CA-000561

On or about March 20, 2021, an Ocala Police Department vehicle driven by a City employee entered an intersection as a vehicle occupied by the Plaintiffs was proceeding through the intersection. It is evident that the City's driver violated the Plaintiffs' right-of-way and caused the collision that resulted. Thus, the City's liability for the collision is not in dispute.

A lawsuit was filed, and the parties mediated the case in October 2023, resulting in an impasse. The parties continued to litigate the case, and the case is currently set for trial in December 2024. In anticipation of trial, the parties engaged in further negotiations. The City conveyed a tentative global offer of \$166,000.00, which was accepted by the Plaintiffs.

Pursuant to Resolution 2019-10, a discretionary settlement in the amount of \$166,000.00 requires approval of the City Council, based upon recommendations from the City Manager, the City Attorney and the Human Resources & Risk Management Director.

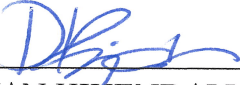
Given the City's apparent liability for the accident, the issue at trial would not be whether the City is responsible for the Plaintiffs' damages; rather, the issue would be the extent of the Plaintiffs' damages. An agreement to settle this matter at this time will avoid the additional costs of continued litigation—including attorneys' fees, expert witness fees, and other expenses—and will prevent the possibility of an adverse judgment at jury trial in excess of the settlement amount.

City of Ocala, Florida
City Attorney's Office
MEMO to City Council RE: Settlement of Claim L003387896 (Melkonian and Secki)
July 2, 2024
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RECOMMENDED for approval in accordance with Resolution 2019-10:

HR & RISK MANAGEMENT DIRECTOR

CITY ATTORNEY



DEVAN KIKENDALL
HR & Risk Management Director



WILLIAM E. SEXTON
City Attorney

CITY MANAGER



PETER A. LEE
City Manager

APPROVED in accordance with Resolution 2019-10:

CITY COUNCIL PRESIDENT

BARRY MANSFIELD
City Council President