



DATE February 7, 2022

TO: Patrick Gilligan, Assistant City Attorney
Sandra Wilson, City Manager

FROM: Chris Watt, Director, HR & Risk Management

SUBJECT: **Marin v. City of Ocala**

Claim Number: L001547753

This claim involves injuries to claimants who were the driver and passenger of one of the vehicles involved in a five-car accident. The loss occurred when a city vehicle entered the left turn lane prior to the safety lane, passing cars that were in the left through lane of traffic. Another vehicle, Peters, entered the left turn lane at the appropriate spot, but without checking for traffic in the lane. The city vehicle struck the Peters vehicle, then veered back in to the eastbound through lane, striking the Marin vehicle. We had initially assessed partial liability on the vehicle changing lanes. Though not cited, the law clearly requires that you check for traffic prior to changing lanes. The points of impact on the vehicles would support that our driver was in the turn lane, prior to the Peters vehicle changing lanes. It would appear that the City vehicle driver was driving rather fast, attempting to make the left turn arrow at 25th Avenue. The attorney for the Marins has only sued the City.

The Marins were in a sedan. The City vehicle was a double cab pick-up truck. There was significant damage to the Marin vehicle. The vehicle was a total loss. The property damage was \$9,845.60.

William Marin was the driver of his vehicle. He suffered a neck strain. He was transported to the hospital. Of significance, Marin was paralyzed prior to this loss from a gunshot incident. He has no feeling from the center of his back down. As a result, he went through significant diagnostic testing at the hospital since he could not differentiate whether he felt pain. He received regular doctor visits that manage his pain medication from his prior gunshot injury. The frequency of those visits, and the prescription medication that he was on did not change following this loss. As related to the auto accident, he received largely chiropractic treatment. Marin is 38. He and his wife have been married for many years. He is disabled. Medical specials claimed by the plaintiff attorney were \$30,319.41. He has some collateral sources for his medical bills.

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Janelle Marin went to the emergency room following the loss. She treated with a chiropractor following the loss. She works for Hospice in an administrative capacity. Of significance, there was a considerable gap in treatment between 2016 and 2019. Her medical specials total \$24,029.45, of which she claims \$8,653.17 in out-of-pocket bills.

The case was mediated February 2. At that time a tentative settlement agreement was reached for \$30,000 to each claimant, \$60,000 for both. It was felt the plaintiffs would make a good appearance, and the prior paralysis of Mr. Marin would elicit sympathy were the matter to proceed to a jury.

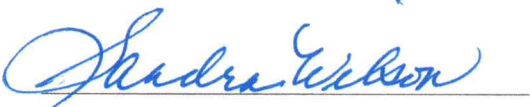
As this was a five-car accident, previously authorized settlements totaled \$51,971.51. Defense costs total \$42,951.76. Were settlement not approved and the case to have proceeded to trial, the continued defense costs would be estimated at \$35,000.00.

AUTHORITY REQUESTED:

Based on the foregoing, I recommend and request authority to resolve the injury claims of the plaintiffs in the amount of \$60,000. A fully executed release will accompany the settlement.



Patrick G. Gilligan, Assist. City Attorney



Sandra Wilson, City Manager

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