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## M E M O R A N D U M

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DATE: May 6, 2025

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: Gregory Baker  
Date of Loss: December 1, 2022  
Claim Number: L0033889710  
Case Number: 2023-CA-003571

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On or about December 1, 2022, an Ocala Police Department vehicle driven by a City employee was travelling on State Road 40 when the employee attempted to cross Pine Avenue as Gregory Baker was proceeding through the intersection in his own vehicle, causing a collision between the two vehicles. Based on the totality of the circumstances, it is evident that the City's driver was at fault in the collision. The Plaintiff claims that he sustained permanent injuries as a result of the collision and filed suit in 2023. The parties have litigated the case extensively.

The parties mediated the case in November 2024. The Plaintiff's last demand at mediation was for \$137,500.00 and the City's last offer was \$45,000.00 before the mediation reached an impasse. Soon after the mediation, the Plaintiff served the City with a Proposal for Settlement in the amount of \$75,000.00. Thus, pursuant to Section 768.79, *Florida Statutes*, if the case were to proceed to trial, the Plaintiff would be entitled to attorneys' fees if he obtained a judgment in an amount at least 25% greater than the Proposal amount.

After further extensive negotiations, counsel for the Plaintiff advised the City Attorney's Office that the Plaintiff would accept \$60,000.00 as final settlement for this bodily injury claim. Pursuant to Resolution 2019-10, a discretionary settlement in the amount of \$60,000.00 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

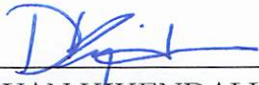
City of Ocala, Florida  
City Attorney's Office  
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discovery costs, expert witness fees, and other expenses which would be necessary to refute the Plaintiff's allegations concerning his damages — and will prevent the possibility of an adverse judgment at jury trial in excess of the settlement amount.

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RECOMMENDED for approval in accordance with Resolution 2019-10:

HR & RISK MANAGEMENT DIRECTOR



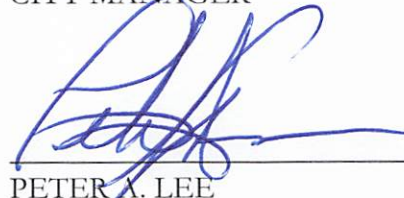
DEVAN KIKENDALL  
HR & Risk Management Director

CITY ATTORNEY



WILLIAM E. SEXTON  
City Attorney

CITY MANAGER



PETER A. LEE  
City Manager

APPROVED in accordance with Resolution 2019-10:

CITY COUNCIL PRESIDENT

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KRISTEN M. DREYER  
City Council President