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M E M O R A N D U M

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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: Rachele Williams & William H. Greene Jr.  
Date of Loss: July 4, 2021  
Claim Number: L003434864  
Case Number: 2022-CA-000519

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On or about July 4, 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 June 2023. Prior to mediation, the Plaintiff's last demand to the City to settle the case was for sovereign immunity limits of \$300,000.00. After thorough negotiations at mediation, the City's final offer was a global offer of \$125,000.00. the Plaintiffs' final demand at mediation was \$270,000.00, and mediation resulted in an impasse.

The parties continued to litigate the case. In anticipation of trial, which was scheduled for the week of June 17, 2024, the parties engaged in further negotiations. The City conveyed a tentative, global offer of \$150,000.00, which was accepted by the Plaintiffs.

Pursuant to Resolution 2019-10, a discretionary settlement in the amount of \$150,000.00 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.

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RECOMMENDED for approval in accordance with Resolution 2019-10:

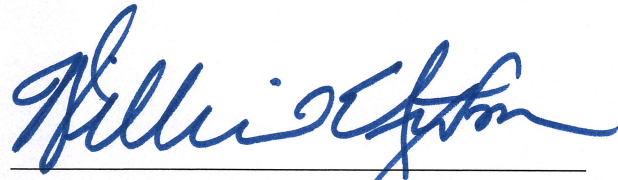
HR & RISK MANAGEMENT DIRECTOR

CITY ATTORNEY



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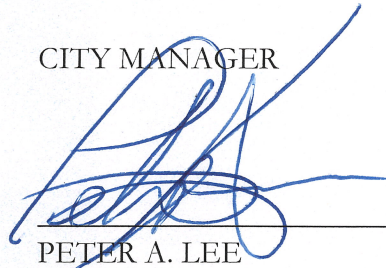
DEVAN KIKENDALL  
HR & Risk Management Director



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WILLIAM E. SEXTON  
City Attorney

CITY MANAGER



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PETER A. LEE  
City Manager

APPROVED in accordance with Resolution 2019-10:

CITY COUNCIL PRESIDENT

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BARRY MANSFIELD  
City Council President