



Ocala

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Legislation Text

File #: 2024-1629, **Version:** 1

Submitted By: William E. Sexton, City Attorney

Presentation By: William E. Sexton, City Attorney

Department: City Attorney

STAFF RECOMMENDATION (Motion Ready):

Approve settlement in the matter of *Tiffany Melkonian and Michael Secki v. City of Ocala, Florida* with a proposed settlement amount of \$166,000.00

OCALA'S RELEVANT STRATEGIC GOALS:

Operational Excellence

PROOF OF PUBLICATION:

N/A

BACKGROUND:

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 and 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.

If Council approves this settlement in accordance with the attached Memorandum, the Council President is

authorized to sign said Memorandum.

Following approval by Council of this agenda item, the Plaintiffs will be issued a check for the settlement amount and the Plaintiffs will deliver to the City a fully executed release.

FINDINGS AND CONCLUSIONS:

City staff finds and determines that settlement of this matter for the sum of \$166,000.00 is in the best interest of the City of Ocala, Florida, and its citizens

FISCAL IMPACT:

This proposed settlement will have a financial impact of \$166,000.00 which would be paid from the City's self-insurance fund, 626-099-999-590-81-45020.

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

Approval of this proposed settlement has been reviewed, approved, and is recommended to City Council by City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve with Changes
- Table
- Deny