



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0438

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: April 1, 2014

TITLE: MOTION - Authorizing Settlement of Police Liability Claims PP L 09-465 &
PP L 09-467 (Estate of Tronodd Lomack/Shantori Laramore) for \$200,000.

Recommendation

Staff recommends settlement of this police liability claim in the amount of \$200,000 to the Estate of Tronodd Lomack and Shantori Laramore.

Background

The plaintiffs, Estate of Tronodd Lomack and Shantori Laramore, filed separate lawsuits against the City of Fort Lauderdale on February 8, 2010 over the incident which occurred on March 28, 2009. Mr. Lomack, who was 14 years old at the time of the incident, was operating a 1987 Yamaha 4-wheel ATV in the 1600 block of Lauderdale Manors Drive. Ms. Laramore, who was 20 at the time, was a passenger on the ATV, when it collided with a sound barrier wall and with a parked 1997 Ford F-250 pickup truck. Mr. Lomack was killed during the accident and Ms. Laramore sustained bodily injuries.

The plaintiffs allege that a Fort Lauderdale Police Officer pursued the ATV when it sped away from a stop sign and that the pursuit was dangerous, unreasonable, in violation of policy and that the pursuit caused Mr. Lomack to strike the wall and the mirror of the pickup which resulted in his death and Ms. Laramore's injuries.

This case was recently tried for liability and the jury returned with a verdict that found the City 65% negligent for Mr. Lomack's death and 30% negligent for Ms. Laramore's injuries. Additionally, the same jury returned with a total damages award for Mr. Lomack in the amount of \$2,500,000. The award was split between the decedent's parents, with \$1,548,240 for his mother (Kishan Lindsey) and \$951,760 to his father (Troy Lomack). A trial on the damages for Ms. Laramore's case is still pending.

The exposure to the City for all plaintiffs' claims is limited to the \$200,000 statutory cap in effect at the time of the incident, unless a Claims Bill is passed by the Legislature authorizing an additional amount.

The plaintiffs have agreed to a global settlement, which is to be prorated between the three plaintiffs, if they forego Ms. Laramore's damages trial and waive their pursuit of a Claims Bill in the Legislature in exchange for payment of the \$200,000, subject to the approval of the City Commission.

Resource Impact

<i>Funds available as of March 20, 2014</i>			
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	PAYMENT AMOUNT
543-INS010101-5119	Self-Insurance Claims	Non-Operating Expenses /Police Professional Liability Claims	\$200,000
PAYMENT TOTAL ►			\$200,000

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Internal Support Cylinder of Excellence**, specifically advancing:

- **Goal 12:** Be a leading government organization, managing our resources wisely and sustainably.
- **Objective 1:** Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United*.

Prepared by: James Kelly, Senior Claims Adjuster

Department Director: Averill Dorsett, Director of Human Resources