



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

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

DATE: December 3, 2013

TITLE: Motion Authorizing Settlement of Police Liability Lawsuit PP L 12-910
(Veronica Titre) for \$37,500.

Recommendation

Staff Recommends settlement of this police liability lawsuit in the amount of \$37,500 to Veronica Titre.

Background

The plaintiff filed a Fourth Amendment lawsuit against Officer Gossman for false arrest and detention and a state law claim for false arrest and false imprisonment against the City of Fort Lauderdale. The plaintiff filed her lawsuit in Federal Court on October 9, 2012.

The plaintiff was a passenger in a vehicle that was stopped for an inoperable tag light. The involved officer ran a teletype check on all four occupants of the vehicle and found an outstanding warrant out of Osceola County for the passenger by the name of Victoria Payne. However, the officer inadvertently confused the identities of the two women who were seated in the back seat of the vehicle and arrested the plaintiff, instead of her sister Victoria Payne. The officer only became aware of the mistake when he arrived at the BSO main jail and attempted to process his suspect. The officer then contacted his supervisor, Sgt. Herbert, who in turn conferred with Captain Bollinger. Sgt. Herbert and then prepared and executed a Release Order and instructed the officer to take the plaintiff home. No traffic citations were issued for the alleged inoperable tag light.

Besides the false arrest/detention, the plaintiff also alleges that the officer transported her while she was still in handcuffs and that he did not remove them until she was standing in front of her residence in Lauderhill.

The case was mediated on April 16, 2013 and it ended in an impasse when the plaintiff rejected the City's \$20,000 settlement recommendation. The plaintiff's final demand was for \$25,000.

Discovery continued and the plaintiff subsequently filed her Motion for Summary Judgment. The City's defense counsel, Robert Schwartz, has since filed the City's Opposition to Plaintiff's Motion for Summary Judgment.

The plaintiff raised her settlement demand to \$50,000 to include the additional legal fees & costs that have been incurred since mediation. The plaintiff's attorney, Hugh Koerner, is a sole practitioner out of Hollywood, FL.

The City's legal fees & costs to date are approximately \$10,000. Defense counsel anticipates an additional \$10,000 in fees and costs if the City loses the Motion for Summary Judgment. Additionally, there are appellate possibilities both ways that could add significantly to the fees.

Resource Impact

There is a fiscal impact to the City in the amount of \$37,500.

FUND	SUBFUND	FUND NAME	INDEX #	INDEX NAME	SUB OBJECT #	SUB OBJECT NAME	AMOUNT
543	01	City Insurance	INS010101	Self-Insurance Claims	5119	Police Prof Liability Claims	\$37,500
TOTAL							\$37,500

Strategic Connections

This item is a Press Play Fort Lauderdale 8 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 W. Kelly

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