



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

#13-0290

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: April 2, 2013

TITLE: Motion to approve settlement of vehicle general liability file # VA GL 12-220 (Brian Gibbs) for \$150,000

Recommendation

Staff recommends settlement, and as provided in the City Charter, this settlement has been evaluated by the proper City officials and all concur that a settlement of \$150,000 to Mr. Gibbs is in the City's best interest.

Background

The bodily injury claim of Mr. Brian Gibbs and the consortium claim of his wife, Alishia Gibbs, is the result of an automobile collision involving a City Fire Rescue vehicle. On the afternoon of December 25, 2011, City Fire Rescue crews responded to a medical emergency call to assist Mr. Gibbs after he was injured on a trampoline and unable to move. When the crews arrived, they found Mr. Brian Gibbs face up on the trampoline awake and able to talk with the paramedics. He could not feel or move his arms and legs. Following proper procedures and protocol, he was placed in City Fire Rescue ambulance RE-246 for transportation to Broward General Medical Center as a priority 1 trauma patient.

While en route to Broward General Medical Center, RE-246 was involved in a serious automobile collision at the intersection of NW 6th Street and NW 7th Avenue. RE-246 had slowly entered the intersection against a red traffic signal with full emergency lights and siren activated. However, RE-246 was struck in the passenger's side rear corner of the patient compartment by a full sized pick-up truck that was northbound on NW 7th Avenue with a green traffic signal. The pick-up truck's driver was cited for failure to yield the right-of-way; however, the traffic citation was dismissed by the court.

At the time of the impact, three paramedics were in the patient compartment caring for Mr. Gibbs. The force of the impact damaged the stretcher, which shifted position inside the patient compartment. One of the attending paramedics was knocked off balance and partially landed on top of Mr. Gibbs' chest. However, no additional injury was noted to him by the attending paramedics. After the collision, he was transferred to a different Fire Rescue ambulance and transported to Broward General Medical Center without

further incident.

Once at Broward General Medical Center, Mr. Gibbs was diagnosed as suffering a spinal fracture at the C4-5 level resulting in a complete spinal cord transection. Surgery was performed to repair the fracture; however, he remained a quadriplegic with only limited movement of his shoulders and no feeling from his shoulders down. He was subsequently released from the hospital and transported to a rehabilitation center near his home in Cordele, Georgia. He is currently living at home being cared for by his wife.

Mr. Gibbs' medical bills to date total \$723,134.42. At the time of his injury, he was employed by the Department of Defense earning approximately \$50,000 per year. He was 36 years old and has a lifetime lost wage claim in excess of \$1,500,000. His future medical expenses and life care plan are estimated to exceed \$10,000,000 over his projected lifetime. Alishia Gibbs, his wife, gave up her full time job to stay home and care for him. Her lost wage claim is reported to be in excess of \$1,000,000.

The City has a maximum exposure of \$300,000 per occurrence, absent a claims bill, as defined in the recovery limits of Section 768.28(5), Florida Statutes. The City's defense counsel has estimated expenses and fees through trial in excess of \$100,000. As such, settlement of this matter is in the City's best financial interest.

Resource Impact

There is a fiscal impact to the City in the amount of \$150,000.

		SUB				SUB		
FY Year	FUND	FUND	FUND NAME	INDEX #	INDEX NAME	OBJECT #	SUBJECT NAME	AMOUNT
2012-2013	543	01	City Insurance	INS010101	Self-Insurance Claims	5104	Auto Liability Claims	150,000.00
					TOTAL			150,000.00

Prepared by: Alan Harvey

Department Director: Averill Dorsett