




CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0298

Interi

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

FROM: D'Wayne M. Spence, Interim City Attorney 

DATE: March 8, 2023

TITLE: **WALK-ON** - Motion Approving Settlement Agreement with Anthony Ewell
in Case No. 20-CV-60826-AMC, U.S. District Court, Southern District of
Florida - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

The Interim City Attorney recommends that the City Commission approve a Settlement Agreement, in substantially the form attached, with Anthony Ewell, in Case No. 20-CV-60826-AMC, U.S. District Court, Southern District of Florida, by paying Anthony Ewell the sum of \$200,000 in settlement of all claims for damages, costs and attorney's fees.

Background

On October 26, 2018, Anthony Ewell was arrested by the City of Fort Lauderdale Police Department for disorderly intoxication, resisting/obstruction without violence and trespass after warning. During the arrest Ewell sustained a broken left ankle, facial lacerations and dental injuries. Mr. Ewell was subsequently prosecuted, tried by a jury and acquitted on the charges of disorderly intoxication and resisting/obstruction without violence. The trespass after warning charge was dropped by the state. On April 22, 2020, Mr. Ewell filed a civil action in U.S. District Court, Southern District of Florida (Case No. 20-CV-60826-AMC) against the City of Fort Lauderdale and the City's arresting officer for violation of his civil rights, false arrest, excessive force and malicious prosecution. After extensive litigation, the parties have reached an agreement in the federal civil case, subject to City Commission approval, whereby the City will pay the total sum of \$200,000 in full settlement of all claims for damages, costs and attorney fees. Mr. Ewell will simultaneously dismiss with prejudice the federal civil lawsuit.

Resource Impact

There will be a fiscal year impact to the City in FY 2023 in the amount of \$200,000. Funds for this are available in the City's FY 2023 budget in the account(s) listed below:

Funds available as of March 2, 2023

ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT_NAME	AMOUNT
10-0543-9050-519-50-5119	Self-Insurance Claims	Non-Operating Expenses/Police Professional Liability Claims	\$200,000
		TOTAL AMOUNT ►	\$200,000

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Internal Support Focus Area
- Goal 8: Build a leading government organization that manages all resources wisely and sustainably.
- Objective: Maintain financial integrity through sound budgeting practices, prudent fiscal management, cost effective operations, and long-term planning.

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

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Internal Support Focus Area
- Implementation Element

Goal 1: The Fort Lauderdale Comprehensive Plan shall accomplish the City's *Fast Forward Fort Lauderdale 2035* Vision Plan regarding the City's future growth and the six Cylinders of Excellence and shall be the City's primary policy document to guide all of its activities and development.

Prepared by: D'Wayne M. Spence, Interim City Attorney