



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

#13-0758

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: May 21st, 2013

TITLE: WALK-ON – Motion approving Attorney Fees on Workers' Compensation
File WC-04-12358 (Wayne Swenson) - \$77,000

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 Attorney Fees for \$77,000 to Mr. Victor Malca, Esquire is in the City's best interest.

Background

Officer Swenson twisted his left knee while directing traffic during the aftermath of Hurricane Katrina.

Mr. Swenson has received and continues to receive medical care for his injuries. Medical care has included several surgeries because Mr. Swenson has had multiple knee injuries while working at the City of Fort Lauderdale. He did return to work for a period of time after the injury but has since retired from the City. After his retirement he filed for permanent total disability benefits through his attorney. The City felt Mr. Swenson was capable of working at some level and denied permanent total disability (PTD) benefits. This case went to a final hearing where the Judge of Compensation Claims found that Mr. Swenson is permanently totally disabled dating back to March 25th, 2011. Due to this unfavorable outcome, the City owes attorney fees to opposing counsel. Fees are determined based upon the benefit obtained. The majority of opposing counsel's fee is related to obtaining PTD and permanent total supplemental benefits for his client. Opposing counsel has valued this benefit at \$691,256.79. He is also entitled to a fee for obtaining authorization of an orthopedic surgeon, authorization of pain management for which he has valued medical benefits of approximately \$80,000.

A tentative settlement has been reached with Mr. Malca to resolve this attorney fee in the amount of \$77,000.

This settlement was discussed at the closed door session on May 21st, 2013.

Resource Impact

There is a fiscal impact to the City in the amount of \$77,000.

	SUB				SUB		
FUND	FUND	FUND NAME	INDEX #	INDEX NAME	OBJECT #	SUBJECT NAME	AMOUNT
543	01	City Insurance	INS010101	Self-Insurance Claims	5125	Worker's Compensation Claims	\$77,000
				TOTAL			77,000.00

Prepared by: Kathleen Thorpe

Department Director: Averill Dorsett