



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#14-0061

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

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

DATE: January 22, 2014

TITLE: MOTION - Authorizing Settlement of General Liability Claim GL 12-494C
(Daniel Caporale) for \$50,000.

Recommendation

Staff recommends settlement of this general liability claim in the amount of \$50,000 to Daniel Caporale.

Background

On November 21, 2011, 39 year old Daniel Caporale while jogging with his wife along the Riverwalk was injured from a fall due to a missing brick paver in the walkway, as alleged by the claimant. Upon his return from a trip to New York for the Thanksgiving holiday, he saw a doctor who treated him for lower back pain and a hip ailment. After the Christmas holiday, the claimant reported not improving, sought an Orthopedist and was referred for a Magnetic Resonance Imaging (MRI).

On March 28, 2012, the claimant had surgery to correct the condition. The claimant lost three months of work and is claiming lost earnings of \$10,560. His medical bills exceed \$68,000. He had health insurance which covered some of the charges, but they have a lien against any settlement totaling \$13,826. The claimant also has out-of-pocket expenses amounting to \$3,971 related to the injury and treatment.

A demand was made for the statutory limits of \$200,000 on this injury. In discussions with the claimant's attorney, the issue of comparative negligence was made as the condition was open and obvious. The claimant alleges ongoing pain in his hip area which could require future additional treatment or surgical intervention.

Negotiations were held with claimant's Attorney, Richard Kirshner of the Law Offices of Kirshner, Groff & Diaz; the claimant has agreed to accept \$50,000 subject to approval of the City Commission.

Resource Impact

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<i>Funds available as of January 22, 2014</i>			
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	PAYMENT AMOUNT
543-INS010101-5113	Self-Insurance Claims	General Liability Claims	\$50,000
PAYMENT TOTAL ►			\$50,000

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*.

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