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May 24, 2019

VIA EMAIL

Shawn D. Smith, Esq.
CITY ATTORNEY
CITY OF KEY WEST
1300 White Street
Key West, FL 33040

Re: Lee Anne Harris, individually and Geoffrey Harris, her husband v. City of Key West
Case No: 17-CA-000692-K

Dear Mr. Smith:

The Plaintiffs, Lee Anne and Geoffrey Harris have agreed to settle the above referenced lawsuit for the total sum of \$300,000. The City's liability insurer has authorized settlement at this amount. If the proposed settlement is approved by the City Commission, approximately \$270,000 of the settlement proceeds will ultimately be paid by the liability insurer. The remaining approximately \$30,000 of the settlement proceeds will be paid by the City of Key West. The precise amount to be paid by each will be determined based on the total amount of defense costs which have been paid at the time the matter is finally concluded. In my opinion, settlement of the litigation at this amount is in the best interests of the City of Key West.

On May 7, 2016 at approximately 1:00 a.m., Plaintiff Lee Anne Harris (55) and three lady friends were riding bicycles in the 200 block of Ann Street. The front wheel of Mrs. Harris' bicycle went into a pothole and she was propelled over the handlebars and her face struck the back of a parked car. The Key West police officer who investigated the accident observed several large potholes in the area where Mrs. Harris was laying, with depths ranging from 2 inches to almost 6 inches deep. As a result of the fall, Mrs. Harris sustained a significant spinal cord injury (central cord syndrome) which resulted in spastic quadriplegia and loss of bladder and bowel functions. She was initially transported to Lower Keys Medical Center, transported by air ambulance to the Miami Ryder Trauma Center and subsequently transported to her home state of Virginia for continued hospitalization. She underwent a surgical procedure to her cervical spine and over the course of many months she gradually began to regain the use of her upper and lower extremities. She was out of work for

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many months and over a course of an extended period of time has gradually returned to her employment. During the many months she was at home following her release from the hospital her husband, Plaintiff Geoffrey Harris served as her care giver. Past medical expenses significantly exceed \$500,000 and future medical expenses will also be incurred.

Evidence developed during discovery shows that the City was aware that the 200 block of Ann Street was in a deteriorated condition and subsequent to the accident the City re-paved and re-milled Ann Street from Front to Caroline Streets. Trial of the action would most likely result in a verdict which found that the City and Plaintiff Lee Anne Harris were both negligent and responsible for the accident. In my opinion, the proposed settlement is in the best interests of the City of Key West and I recommend its approval.

Very truly yours,

/s/Michael T. Burke

Michael T. Burke
For the Firm

MTB/ac