



THE CITY OF KEY WEST

1300 WHITE STREET
KEY WEST, FLORIDA 33040

February 14, 2023

To: The City Commission for the City of Key West
From: Ron Ramsingh, Interim City Attorney
RE: Settlement of Dugan v. City of Key West, Circuit Court Case no.: 21-CA-534-K
Sponsor: Ron Ramsingh, Interim City Attorney

Background:

On June 4, 2020, City employee Jean DeJean was operating a city-owned Ford F-250 southbound on Grinnell Street, making a left turn onto eastbound Eaton Street on a green light. Mr. DeJean did not see Plaintiff and her husband who were crossing Eaton Street, northbound. Plaintiff was impacted by the front of the city truck at a very slow speed. Plaintiff was transported to LKMC where she was treated and released. Plaintiff followed up with physicians where she lives in Lawrenceville, GA which included an arthroscopic surgery and subsequent physical therapy to her left shoulder. Plaintiff's medical expenses totaled \$67,831.84. Our driver was issued a citation, which he paid, therefore points were assessed. If this case were to proceed to trial, the city could face a verdict in the range of \$234k, using a 3.5 multiplier for pain and suffering. A mediation was conducted on February 1, 2023. There was a contingent settlement reached for \$70,000.00 with the city paying the \$1,000.00 mediation fee and \$822.00 KWFD bill.

Options:

1. Decline the proposed settlement. The city will incur further litigation expenses in securing a Compulsory Medical Evaluation, and further trial preparation.
2. Approve the proposed settlement for \$71,822.00, thereby avoiding a cap judgement of \$200,000.00 which is very possible with these facts.

Recommendation:

Approve the proposed settlement.