



## THE CITY OF KEY WEST

POST OFFICE BOX 1409  
KEY WEST, FL 33041-1409  
[WWW.KEYWESTCITY.COM](http://WWW.KEYWESTCITY.COM)

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### SETTLEMENT SUMMARY & RECOMMENDATION

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To: The City Commission for the City of Key West  
From: Ron Ramsingh, Assistant City Attorney  
Date: November 19, 2010  
Re: Settlement recommendation of Lawrence Schober vs. The City of Key West

**BACKGROUND:** Plaintiff was working for Universal Cleaners as a manager, says he was in course and scope when he was rear-ended at a red light by a heavy duty truck owned by the city and driven by a city employee in the scope and course of his employment. The city employee admitted to looking at his cell phone and not paying attention at the time of the collision and was therefore cited. Plaintiff was driving an older Dodge Caravan owned by Universal Cleaners and used as a company vehicle; which was allegedly totaled. Plaintiff initially denied medical treatment on scene but went to Lower Keys Health System hours later. I took the plaintiff's deposition and attended an unsuccessful mediation. The last demand prior to this last round of negotiations was at \$70,000.00. Plaintiff presented well at deposition and I anticipate that he will do well at trial as well. Universal Cleaners did not have worker's compensation coverage and has since dissolved.

**MEDICAL:** Plaintiff treated with Dr. Catana who sent him for a cervical spine MRI on 5/26/04 and 1/3/05 that revealed bulging at C3-4 & C5-6 with neural encroachment but with no cord compression unremarkable at all other levels. Plaintiff was treated with physical therapy and was put at maximum medical improvement ("MMI") on 10/25/04 with a 7% impairment rating ("PIR") whole body. Catana then MMI'd him again on 2/15/08 with 6% PIR to neck, 15% PIR to knees with 21% whole body. He also

complained of bilateral knee issues. MRI's done of both knees on 4/17/06 revealed a normal right knee and a non-displaced intra-substance tear of the medial meniscus. To date, I do not see that he has had the knee surgery. Denies thoracic or lumbar issues. Unremarkable brain MRIs for post-concussion syndrome. Plaintiff also saw Dr. Paz on referral who diagnosed him with a mild cervical sprain and post-concussive headaches.

**EVALUATION:** According to Manny Garcia, the Plaintiff's attorney, Mr. Schober's actual medical damages are totaled at \$14,394.04. In addition, they are claiming lost wages in the amount of \$5,100.00. This is a grand total of "hard specials" of \$19,494.02. If the city is found to be liable at trial the potential foreseeable award could be approximately \$60,000.00. The City Attorney's Office was able to reach a contingent settlement in the amount of \$28,000.00. The settlement is contingent upon City Commission approval. E.M.I. has concurred with my evaluation as being well within the reserves set on this case.