



THE CITY OF KEY WEST

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June 18, 2018

To: The City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

RE: Settlement of Lloyd Pecoo vs. City of Key West 2017-CA-452-K

Judge: Mark Wilson

Executive Summary

Background

Mr. Pecoo is a 60-year old gentleman from Jamaica who has lived in the US for 13 years. Plaintiff is an artist who sells his art on the sidewalk of Duval Street in front of the La Concha Hotel. On June 26, 2016 at approximately 6:30 a.m., Plaintiff was lawfully parked on Duval Street in front of the La Concha Hotel. Plaintiff was about to get out of his Dodge Charger to set up his art for the day. A city F-150 truck was travelling southbound on Duval Street when the driver indicated that the steering locked up and he drifted towards the Plaintiff's car. The city truck's left front fender collided with the left side of the Plaintiff's car while he was still seated in the driver's seat. The impact caused the right rear portion of the Dodge to go up on the sidewalk, which caused the rear axle to be damaged to the point where the car was not drivable. It was towed away and eventually was declared a total loss by Plaintiff's insurance company.

Injury

Plaintiff sustained injuries that were treated by Dr. Catana¹. The city worker did not sustain any injury. Due to the explanation of the city driver, no citations were issued.

Prior Health History

Plaintiff has no significant prior medical issues that are directly related to this claim.

Issues

Dr. Catana does recommend further medical treatment that we estimate will cost approximately \$50,000.00 to \$55,000.00. In addition, Plaintiff is right hand dominant, and due to his injuries, he has claimed a lack of an ability to earn as much income as he did prior to this injury, as well as pain and suffering. After depositions, mediations, and further discovery, the likelihood of a verdict against the city that exceeds the current settlement amount is appreciable.

Recommendation

There is no dispute that the Plaintiff was lawfully parked, and no dispute that a city vehicle departed its lane of travel and collided with the Plaintiff's car, causing bodily injury. Given the current medical recommendations for future medical treatment, the medical treatment that the Plaintiff already received, tempered by the likelihood of success of the various claims and defenses, I recommend that the city commission approve the attached settlement for \$29,000.00. This settlement was discussed with the city's liability adjuster.

¹ Due to federal privacy laws regarding health information, I cannot go into further detail in this public summary regarding the medical care that plaintiff received. I will brief each city commissioner privately on same.

Despite this settlement being within the city's self-insured retention policy, our adjuster believes that the settlement amount is a good result for the city. I have handled this case from the inception and I estimate that the city has further saved approximately \$10k to \$20k in attorney fees and costs.