



## THE CITY OF KEY WEST

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September 4, 2018

To: The City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

RE: Settlement of Patrick & Michelle Hall v. City of Key West 2017-CA-315-K

Judge: Timothy Koenig

### **Executive Summary**

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**DUE TO HEALTH INFORMATION PRIVACY LAWS, THIS IS AN  
ABBREVIATED SUMMARY FOR PUBLIC DISCLOSURE.**

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Mr. Hall is a 68-year-old married man who was born in New York and lives in West Des Moines, IA since 1993. Hall has 2 adult children from a previous marriage and has been married to Michele for 28 years. Hall has a Bachelor of Science in Business from Cal State in 1976.

Hall works as a supervisor in the Administration Recovery unit of the Iowa State Department of Homeland Security. His primary job is to oversee the recovery of federal money for disaster declarations. He has worked in this capacity for 24 years. Prior to that, Hall spend 29 years in the Army; retiring as a Major. He served in Desert Storm and was field artillery officer. He has also served as a reserve officer in several west coast natural disasters including California wildfires and floods.

Hall, his wife and brother in law came to KW for a 1-week vacation from 11/29/14 to 12/7/14. They stayed at a vacation rental house in Truman Annex. Hall reports as “probably” walked by on this sidewalk in the past (this, or previous KW vacations). The night before the DOI, Hall states that he went to dinner at Hot Tin Roof and walked there/back. He likely walked on this sidewalk to get there. DOI was at 9:30 a.m., clear,

sunny skies. Hall says that they were walking north on the west sidewalk of the 300 block of Whitehead Street. They encountered 8 people walking in the opposite direction, approaching them on the sidewalk, so Hall altered his path and walked over a tree planter that had a broken tree stump that was approximately 3" high. Hall says that he was talking to his wife at the time, but was still looking straight, but not down. He said that he was aware that he was walking through the planter, but did not see the stump. Hall said that he tripped on the stump and stumbled for about 10 feet trying to regain his balance. Hall extended his right arm out to break his fall and eventually fell onto the concrete sidewalk on the right side of his face and right wrist.

Hall was examined at LKMC and diagnosed with fractures but he determined that he wanted to seek longer term medical care in Iowa. Once in IA, Hall followed up with his orthopedic doctor, who performed surgery on 12/9/14 to repair the more severe fracture. Despite the surgery, Hall indicates that he had continued pain, swelling, and limited ROM throughout the treatment. Hall demonstrated his limited ROM at the deposition which appears to be approximately 20% loss than that of his left wrist. Hall reports that no further medical treatment is being recommended.

Hall's wife has also filed a claim for a loss of consortium as a result of this incident. She claims that she has lost some of the help that Hall would give her around the house.

After likely apportionment of comparative negligence, there is a possibility of the city's responsibility of approximately \$126,000.00-\$150,000.00.

The parties attended a court-ordered mediation on 8/17/18. A settlement of \$100,000.00 was reached, contingent on approval by the city commission. It will be apportioned

between the 2 Plaintiffs. This settlement was reached in consultation and approval with our excess insurance adjuster, Steve Hanzman.

I recommend approval of the proposed mediated settlement agreement.