

OFFICE OF THE CITY ATTORNEY
Shawn D. Smith, City Attorney
Larry Erskine, Chief Asst. City Attorney
Ronald Ramsingh, Assistant City Attorney
Christopher Bridger, Assistant City Attorney



PHONE: (305) 809-3770
FAX: (305) 809-3771
EMAIL: cityattorney@keywestcity.com

THE CITY OF KEY WEST

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409
WWW.KEYWESTCITY.COM

To: The City Commission for the City of Key West
From: Ron Ramsingh, Assistant City Attorney
Date: June 25, 2015
RE: Settlement of Rosanne Woodruff v. City of Key West 2012-CA-1281-K

EXECUTIVE SUMMARY

*******REDACTED COMMUNICATION (H.I.P.A.A.)*****
FOR PUBLIC REVIEW**

Background: Ms. Woodruff is a 65-yr old lady who has lived in the Keys for approximately 20 years. She has primarily worked as an administrative assistant at various medical offices, as well as various retail establishments in Key West.

On February 10, 2012, Ms. Woodruff was leaving the A-1 Beauty Salon on 1st Street in Key West. She was walking on the adjacent sidewalk and tripped over a broken piece of the concrete sidewalk. Ms. Woodruff struck her face on a large tree before falling to the ground. The sidewalk had been previously broken and uplifted by the same tree. Workers from the salon came out and assisted her up onto her feet and brought her back into the salon to sit down while the police arrived to take pictures and file a report. A salon worker then drove Ms. Woodruff to the hospital where she was treated and released.

Significant discovery was conducted by the undersigned including several depositions, surveillance, and subpoenas for substantial medical records. A mediation was held on June 17, 2015 where this contingent settlement was secured for \$30,000.00 pending approval by the City Commission.

Exposure/ Risk: The defect in the sidewalk is one where a jury would likely find is a dangerous condition since the exposed raised edge was higher than one inch. At mediation, Ms. Woodruff's attorney demanded \$70,000.00 and based that demand largely on hard specials¹ in the amount of \$47,445.00. I was able to refute several entries on the hard specials ledger during mediation, but nevertheless, if a jury were to find in favor of Ms. Woodruff, an award can be expected in the neighborhood of \$100,000.00. This number could possibly be even lower considering the fact that Ms. Woodruff had another trip and fall in 2008 wherein she claimed numerous orthopedic injuries as well as complaints of headaches. This case primarily involves allegations in her Complaint for Damages involving neurologic issues. I filed for a Compulsory Medical Examination that Ms. Woodruff contested because the examination I proposed was very extensive (and costly) considering the possible overlap with her previous trip and fall. Therefore, from a liability standpoint, I believe that a judgment against the city although would be likely, there is also a likelihood that said judgment would be set off by any pre-existing neurological issues that may be present in Ms. Woodruff. However, as I previously mentioned, the city would be responsible for the expense of the various neurological testing that we proposed to have performed, as well as travelling expenses. Therefore, this case is realistically worth from \$20,000.00 to \$30,000.00, considering all of the risks and likelihoods involved.

Options:

1. Agree to the proposed settlement with Rosanne Woodruff in the amount of \$30,000.00.
2. Decline to settle this matter and this case will proceed to trial in relatively short order after a Compulsory Medical Examination is performed.

Recommendation: Agree to enter into a settlement with Ms. Woodruff for \$30,000.00

¹ Hard Specials are the amount of expenses realized thus far in the life of the claim. It was represented that Ms. Woodruff's attorney paid all of the out of pocket expenses. Usually, when evaluating such claims, one can take the hard specials amount and multiple by 3-3.5 to get a rough picture as to what a jury could likely award.





