



THE CITY OF KEY WEST

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July 31, 2018

To: The City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

RE: Settlement of Carmen Torres vs. City of Key West 2017-CA-444-K¹

Judge: Tim Koenig

Executive Summary

Background

Ms. Torres (Plaintiff) is a 73-year old grandmother from Orlando who was visiting Key West with family on July 9, 2015. Plaintiff tripped on a concrete pedestrian area of Mallory Square during the sunset celebration. Plaintiff was transported from the scene to Lower Keys Medical Center, then received much more intensive treatment at Florida Hospital for a commuted fracture of her left elbow requiring invasive reconstructive surgery with metal hardware, as well as a left orbital (facial) fracture.

Issues

Plaintiff has incurred \$261,000.00 in medical expenses to date. She stands to realize more costs regarding the installation and possible removal of the

¹ In compliance with federal privacy laws concerning health information, as well as regulations regarding attorney impressions and valuations, this summary is abbreviated. Commissioners will be briefed in far greater detail in person.

hardware in the future. When considering future medicals as well as pain and suffering, a potential jury verdict could be two to three times that amount; tempered by state statutory limits on liability of cities in negligence cases.

The parties attended a mediation on June 20, 2018 where a settlement was reached for \$150,000.00, conditioned upon approval by the city commission. The city's insurance adjuster also attended the mediation and recommends approval of the mediation agreement.

Recommendation

There is no dispute that the Plaintiff did in fact fall on city property and that her injuries are serious as a result. Given the analysis of causation, liability and damages, the proposed settlement for \$150,000.00 is reasonable. The city has nominal costs associated with the undersigned taking depositions, but other than that, the undersigned has handled the litigation of this case since its inception at a substantial cost savings to the city.

I recommend that the city commission approve the attached settlement for \$150,000.00. This settlement was discussed with the city's liability adjuster, who believes that the settlement amount is a good result for the city.