



CITY OF CARSON

Legislation Text

File #: 2021-857, Version: 1

Report to Mayor and City Council

Wednesday, November 03, 2021

Consent

SUBJECT:

CONSIDER APPROVAL OF SETTLEMENT AGREEMENT IN THE MATTER OF SANDRA DAVIS V. CITY OF CARSON, ET AL., LOS ANGELES SUPERIOR COURT CASE NO. 20STCV15409 (CITY COUNCIL)

I. SUMMARY

This report concerns settlement of the litigation in the matter of Sandra Davis v. City of Carson, et al. (LASC Case Number 20STCV15409). The Plaintiff alleged various injuries to her left hand, namely two fractured fingers; one broken finger, and harm to her knee, resulting from Plaintiff tripping on an elevated sidewalk plate at or near 405 E. 234th Street, which occurred on May 18, 2019.

City Council initially authorized the settlement in closed session on October 19, 2021, and staff is now reporting back to the City Council with the written settlement agreement for final Council approval to resolve the litigation (Exhibit 1). The settlement sum is \$70,000, and the settlement agreement provides for each party to bear its own costs of litigation. City's defense costs are approximately \$36,000.

II. RECOMMENDATION

TAKE the following actions:

1. Approve the Settlement Agreement (Exhibit 1).
2. Authorize the City Manager to execute the Settlement Agreement, and any related documents, to resolve the litigation.

III. ALTERNATIVES

1. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Plaintiff, a 55 year-old female, alleged that she exited a vehicle driven by her partner and began walking to her partner's mother's house. While walking, Plaintiff tripped over an elevated sidewalk plate and landed on her hand. Plaintiff sustained injuries to her left hand, which is her non-dominant hand. Plaintiff was diagnosed with two finger fractures as well as one broken finger. Plaintiff had multiple surgeries performed on her left hand and underwent occupational therapy, but still lacks full grip strength and the ability to form a fist with her left hand.

The terms for settlement of the litigation, subject to City Council approval, were negotiated and agreed upon by Plaintiff on October 22, 2021. The City Council authorized settlement during closed session on October 19, 2021. Staff is now reporting back with a written settlement agreement, signed by the Plaintiff, for the City Council's final approval, and is requesting authorization for the City Manager to execute the agreement and any related documents to resolve the litigation.

The settlement sum is \$70,000 and the settlement agreement provides for each party to bear its own costs of litigation.

V. FISCAL IMPACT

The fiscal impact to the City is approximately \$106,000, which includes - (i) the settlement sum of \$70,000 to be paid by the City pursuant to the Settlement Agreement; and (ii) the City's defense costs incurred, approximately \$36,000.

VI. EXHIBITS

1. Settlement Agreement Between SANDRA DAVIS ("Plaintiff") and Defendant CITY OF CARSON ("Defendant") (pgs. 3 - 9)

Prepared by: Faye Moseley, Director of Human Resources and Risk Management