

STAFF REPORT

Date: January 10, 2018

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **B.15. Staff Report (For Possible Action): Approval and Authorization of Funding of Settlement of Lawsuit entitled Samantha Arias v. City of Reno, et al., Case No. CV16-02139 in the amount of \$60,000. (Risk Management Fund)**

From: Mark Hughs, Deputy City Attorney

Summary: The Plaintiff brought suit for personal injury and property damages arising from a motor vehicle accident in which her vehicle was struck by a City vehicle. Based on negotiations and analysis, staff recommends settling the case, including all claims, damages, attorney's fees and costs, through the payment of \$60,000 to the Plaintiff.

Discussion: The lawsuit was filed October 18, 2016. Trial is scheduled to commence February 26, 2018. The potential exposure in the case includes an award of damages up to \$100,000, plus (1) interest, (2) award of attorney's fees and (3) litigation costs incurred by the Plaintiff, which costs could exceed \$10,000. After discovery was substantially complete, the parties engaged in good faith negotiation. Based on a risk-benefit analysis, settlement in the amount of \$60,000 is recommended. The proposed settlement includes dismissal of the lawsuit with prejudice and receiving a release of all claims from the Plaintiff.

Financial Implications: Funds for settlement are budgeted in the Risk Management Fund.

Legal Implications: Settlement will fully resolve the pending lawsuit, in which the potential exposure could exceed the settlement amount, absolving the City of any future liability and ending the lawsuit.

Recommendation: Staff recommends Council approve settlement of the lawsuit entitled Samantha Arias v. City of Reno, et al., Case No. CV16-02139 in the amount of \$60,000, approve and authorize funding of the payment of \$60,000 to Plaintiff Samantha Arias, and authorize the City Attorney or designee to execute all documents required to effect settlement of the lawsuit.

Proposed Motion: I move to approve staff recommendation.