



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 9/19/2023

District B

Item Creation Date: 8/10/2023

LGL - Cause No. 2018-16024; Gwendolyn Smithheart v. City of Houston, in the 129th District Court Harris County, Texas

Agenda Item#: 11.

Summary:

An ordinance approving and authorizing settlement and release agreement between the City of Houston and Gwendolyn Smithheart aka Gwendolyn Young Mason in Cause No. 2018-16024; *Gwendolyn Smithheart v. City of Houston*, in the 129th District Court Harris County Texas.

Background:

Recommendation:

Approve an ordinance authorizing settlement and release between the City of Houston and *Gwendolyn Smithheart v. City of Houston*, Cause No. 2018-16024, in the 129th District Court of Harris County, Texas.

Specific Explanation:

On August 8, 2017, City of Houston Employee, Terry Wayne Lynch, was driving a City of Houston Ford F350 when he ran a stop sign at the intersection of Lyons Avenue and Schweikhardt Street and collided with Plaintiff in her vehicle.

Plaintiff was taken by ambulance to St. Joseph's Hospital where she was diagnosed with a displaced, broken cervical vertebrae. During her stay, she had x-rays and CT scans to rule out internal injuries, and various other diagnostic testing. Plaintiff's total medical expenses charged were \$192,854.75. Plaintiff wore a neck halo followed by a cervical collar for almost a year and received physical and occupational therapy. Plaintiff alleges that she was laid off from her job in February 2018 because her doctor never cleared her to return to work. Dr. Edward C. Murphy, M.D. was Plaintiff's treating physician. He testified that although Ms. Smithheart eventually healed well, she will experience some residual discomfort for the rest of her life.

Liability cannot be contested since our driver and his passenger admit that the City's driver ran the stop sign. Her past medical expenses alone are very high. With prejudgment interest of more than 5 years (suit was filed 3/8/2018) at 7.75%, the total amount would exceed the cap of \$250,000.

Amount and Source of Funding:

Fiscal Note:

Funding for this item is included in the FY2023 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Estimated Spend Authority			
Department	Current FY	Out Year	Total
Legal	\$229,000.00	\$0.00	\$229,000.00

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Arturo G. Michel, City Attorney

Prior Council Action:

None

Amount and Source of Funding:

\$229,000.00 – 1004 – Property and Casualty Fund

Contact Information:

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