



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 4/2/2024

District F

Item Creation Date: 2/29/2024

LGL - Cause No. 2018-69949; Cynthia Babineaux v. City of Houston; in the 61st Judicial District Court of Harris County, Texas

Agenda Item#: 3.

Summary:

An ordinance approving and authorizing the execution of a Compromise, Settlement, Release, and Indemnification Agreement between Cynthia Babineaux and the City of Houston to settle a Lawsuit – \$100,000.00 – Property & Casualty Fund

Background:

Recommendation:

That Council adopt an ordinance approving and authorizing the execution of a Compromise, Settlement, Release, and Indemnification Agreement between Cynthia Babineaux and the City of Houston to settle Cause No. 2018-69949; *Cynthia Babineaux v. City of Houston*; in the 61st Judicial District Court of Harris County, Texas.

Specific Explanation:

On July 3, 2018, around 9:10 a.m. Plaintiff, Cynthia Marie Babineaux (DOB: 1/14/1962; African American female), was traveling southbound in lane 1 of 3 on 11400 South Kirkwood Drive. Cynthia Marie Babineaux was driving her son, John Babineaux's 2010 Nissan Sentra and claims that she was sitting at the red light when she was hit from behind. Milton Edelman Morales Lopez (DOB: 5/20/1982; Hispanic male) was traveling southbound in lane 1 of 3 on 11400 South Kirkwood Drive directly behind Ms. Babineaux. Milton Edelman Morales Lopez was driving his 2003 Lincoln Navigator and claims that he was sitting at the red light when he was hit from behind. Edward Kargbo (DOB: 3/26/1963; African American Male), an employee with the City of Houston Public Works Department, was driving a 2008 Freightliner on his way to the Living Earth recycling plant. Mr. Kargbo stated in his accident statement that he was proceeding to make a left turn at the light when Mr. Morales Lopez's vehicle suddenly stopped. Mr. Kargbo admitted that he could not stop fast enough to prevent hitting the stopped vehicle. This action resulted in Mr. Morales Lopez's vehicle being pushed into the rear of Ms. Babineaux's vehicle. Mr. Kargbo was not disciplined as a result of this accident. Cynthia Marie Babineaux sustained bodily injuries as a result of the collision and received medical treatment totaling \$117,662.77. Ms. Babineaux was recovering from recent spinal surgery when this accident occurred, and she reported injury to her back and left shoulder at the emergency room the same day as the accident. Ms. Babineaux not only underwent care for her back but underwent left shoulder rotator cuff repair surgery.

Fiscal Note: Funding for this item is included in the FY2024 Adopted Budget. Therefore, no fiscal note is required as stated in the Financial Policies.

DocuSigned by:

Arturo G. Michel, City Attorney

Estimated Spend Authority			
Department	Current FY	Out Year	Total
Legal	\$100,000.00	\$0.00	\$100,000.00

Prior Council Action:

None

Amount and Source of Funding:

\$100,000.00
 Property & Casualty Fund
 Fund 1004

Contact Information:

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