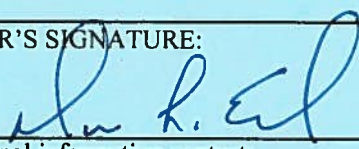



SUBJECT: Settlement of lawsuit styled: <i>Boris Trent Williams v. City of Houston</i> ; Cause No. 2014-52372; in the 151 <sup>st</sup> Judicial District Court of Harris County, Texas; LD#: 0631400250001		Page 1 of 2	Agenda Item #
FROM (Department or other point of origin):  Legal		Origination Date April 4, 2016	Agenda Date
DIRECTOR'S SIGNATURE: 		Council District affected:  ALL	
For additional information contact: L.A. Teehan, Phone: 832.393.6467; Judith Ramsey, Phone: 832.393.6468 		Date and identification of prior authorizing Council action:	
<b>RECOMMENDATION:</b> (Summary)			
That Council adopt a Motion approving and authorizing a Release and Settlement Agreement between the City of Houston and Boris Trent Williams			
Amount and Source of Funding: \$90,000.00 <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> Other (Specify) - Property & Casualty Fund - Fund 1004 (Claims & Judgments)			
<b><u>SPECIFIC EXPLANATION:</u></b> <b><i>FOR SETTLEMENT PURPOSES ONLY</i></b>			
<p>This request relates to the resolution of a personal injury lawsuit through settlement. On March 5, 2013, Houston PWE, Traffic &amp; Transportation Division employee Tuan Vu, was involved in a vehicular collision with Boris T. Williams. Both vehicles were traveling south on Kleckley, which has two lanes in each direction. Mr. Vu attempted a left-hand turn from the right lane, causing Mr. Williams (who was in the left lane), to collide with Mr. Vu's truck. Mr. Williams sustained several broken bones in his left hand which required the surgical placement of pins and wires to repair, and almost a year of physical therapy to regain the use of his left hand. At the time of this accident, Mr. Williams was employed as a music minister for two local churches; Mr. Williams played piano and organ at the churches, and also performed at concerts. As a result of this accident, Mr. Williams was unable to play his instruments for almost a year. At the time of mediation, he still had not regained full use of his hand. Mr. Williams also claimed injuries to his right knee and hip. Mr. Williams claims that Tuan Vu was negligent in the operation of his vehicle and that this was the proximate cause of the accident and his resulting damages. Mr. Vu was found at fault in causing the accident by both HPD and the internal PWE investigation. Liability for Houston arises under §101.021 of the Texas Civil Practice &amp; Remedies Code.</p> <p>As a result of this accident, Mr. Williams brought suit against Houston in Cause No. 2014-52372; <i>Boris Trent Williams v. City of Houston</i>; in the 151<sup>st</sup> Judicial District Court of Harris County, Texas. From the beginning of the litigation, Mr. Williams' attorney has demanded the City's limit under the Texas Tort Claims Act, i.e., \$250,000.00. This demand was based on the very persuasive argument that Mr. Williams' hands were his livelihood, and he was completely unable to play a musical instrument for almost a year after the accident. Following an unsuccessful mediation, the Mediator made a recommendation that the case should be settled for \$90,000.00. Mr. Williams accepted that recommendation. Should this matter be decided by a jury, it is altogether conceivable they would award Mr. Williams an amount in excess of that sum.</p> <p>After a thorough review, the Legal Department recommends that Council approve the Settlement Agreement and issuance of warrants payable as follows:</p>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

<i>Date</i> April 4, 2016	<i>SUBJECT:</i>	<i>Originator's Initials</i>	<i>Page</i> 2 of 2
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- \$928.00 payable to Harris Health System, Tax ID # 74-1536936;
- \$3,250.00 payable to Memorial Hermann Southeast Hospital, Tax ID # 74-1152597;
- \$12,750.00 payable to Sullins & Johnston PC for the use & benefit of Victory Medical Center Houston, LP, Tax ID # 45-1845293;
- \$286.00 payable to Loncar & Associates and AMS Baylor Physicians, Tax ID # 75-2240725;
- \$72,786.00 payable to Boris T. Williams and his attorney Loncar & Associates, Tax ID # 75-2240725.



**REQUEST FOR COUNCIL ACTION  
CATEGORY AND REQUIRED SIGNATURE AUTHORIZATION**

<b>CATEGORY</b>	<b>DESCRIPTION</b>	<b>REQUIRED AUTHORIZATION</b>
1	<b>New or revised appropriations, all expenditure budget transfers; establishment of new funds or accounts; proposed changes in fee or permit schedules or establishment of new fees or permits; acceptance of unanticipated revenues; all actions for which the source of funding is General Government in the General Fund.</b>	<b>F&amp;A Budget</b>
2	<b>Acceptance or modification of federal or state grant amounts and contract terms; requests for unbudgeted capital outlay purchases.</b>	<b>F&amp;A Director F&amp;A Budget</b>
3	<b>Changes in personnel rosters and ordinances, master paygrade ordinance and employee compensation.</b>	<b>Personnel Director</b>
4	<b>Approval or amendment of purchase orders, emergency purchase orders, supply and service contracts. Agreements to acquire goods and services and other related transactions in excess of \$5,000. Professional service contracts under \$25,000.</b>	<b>City Purchasing Agent</b>
5	<b>Information, communication and energy related systems including hardware, software and services.</b>	<b>F&amp;A Director City Purchasing Agent</b>
6	<b>Legal Actions (Damages, settlements, etc...)</b>	<b>City Attorney F&amp;A Budget</b>
7	<b>Construction and construction related contracts.</b>	<b>PW&amp;E Director</b>
8	<b>Office, warehouse space, construction and leasing.</b>	<b>F&amp;A Director</b>
9	<b>Consultant contracts, professional service contracts over \$25,000 not covered above.</b>	<b>Department Director</b>