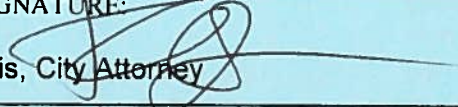



|   |                      |   |                  |
|---|----------------------|---|------------------|
| SUBJECT: Settlement of lawsuit styled:<br>Cause No. 2015-14566; <i>Billy Joe Living v. City of Houston</i> ; in the 270 <sup>th</sup> Judicial District Court of Harris County, Texas; LD# 0741500031001  |                      | Page<br>1 of 1  | Agenda Item<br># |
| FROM (Department or other point of origin):<br>Legal Department   |                      | Origination Date<br>December 5,<br>2016   | Agenda Date      |
| DIRECTOR'S SIGNATURE:<br>Ronald C. Lewis, City Attorney    |                      | Council District affected:<br>ALL  |                  |
| For additional information contact: L.A. Teehan, Phone: 832.393.6467;<br>Judith Ramsey, Phone: 832.393.6468   |                      | Date and identification of prior authorizing Council action:  |                  |
| <b>RECOMMENDATION: (Summary)</b><br>That Council adopt an Ordinance approving and authorizing \$180,000.00 out of the Property and Casualty Fund and approving and authorizing the execution of a Compromise and Settlement Agreement (CSA) between Plaintiff Billy Joe Living and the City of Houston to settle a lawsuit.   |                      |   |                  |
| Amount and Source of Funding: \$180,000.00<br><input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund<br><input checked="" type="checkbox"/> Other (Specify) - Property & Casualty Fund - Fund 1004 (Claims & Judgments)   |                      |   |                  |
| <b>SPECIFIC EXPLANATION: FOR SETTLEMENT PURPOSES ONLY</b><br>Claim: On March 5, 2015, former Solid Waste Department employee Charlie Abraham was involved in a vehicular collision with Mr. Living. Mr. Abraham was driving a Solid Waste automated side-loader truck, working his assigned route. He proceeded from a stop sign on Bennington Street, to cross Homestead, and collided with Mr. Living's vehicle which was south-bound on Homestead. He was cited by HPD. Mr. Living alleges that he sustained serious injuries, <i>i.e.</i> a lacerated liver, as well as soft-tissue damages to his neck, back, and knees. Following the accident, he underwent surgery and was hospitalized for a week at LBJ Hospital. Mr. Living incurred total medical expenses in the amount of \$162,884.27.<br>As a result of this accident, Mr. Living brought suit against Houston in Cause No. 2015-14566; <i>Billy Joe Living v. City of Houston, Texas</i> ; in the 270 <sup>th</sup> Judicial District Court of Harris County, Texas. After a thorough review, the Legal Department recommends that Council adopt an ordinance authorizing and approving the Compromise and Settlement Agreement and approve and authorize the payment of \$180,000.00 out of the Property and Casualty fund payable as follows:<br>\$150,111.78 to Billy Joe Living and his attorney The Stern Law Group;<br>\$ 20,890.72 to Harris County Hospital District; and<br>\$ 8,997.50 to <del>and</del> UT Physicians |                      |   |                  |
| <b>REQUIRED AUTHORIZATION</b>   |                      |   |                  |
| Other Authorization:  | Other Authorization: | Other Authorization:  |                  |