

RESOLUTION NO. 2017 –

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, RATIFYING THE SETTLEMENT WITH PHILLIP MCENANY AND KAREN MCENANY V. CITY OF HALLANDALE BEACH ET AL, IN CASE NO: CACE 11-23180 (13) IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, BROWARD COUNTY, FLORIDA AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO SETTLEMENT, FOR PERSONAL INJURIES HE SUSTAINED, IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Phillip Mcenany filed suit against the City of Hallandale Beach for alleged injuries he sustained to his back, ankle, shoulders and neck on July 7, 2011, when he was struck from behind while driving eastbound on I-595 by a city owned vehicle driven by a city employee at approximately 6:27am;

WHEREAS, Mr. Mcenany did subsequently have surgery to his shoulders and ankle; and

WHEREAS, the City has participated in a vigorous defense, including extensive discovery and mediation in preparation for trial; and

WHEREAS, the Mayor and City Commission have been fully advised of the premises of the litigation, the possible defense strategies and the potential economic impact to the city if the parties proceed to trial; and

WHEREAS, the parties have determined that the resolution of their difference in a manner favorable to their respective interests are best obtained through a settlement of the issues as opposed to protracted trial, which will require the expenditure of significant funds and resources to both parties; and

WHEREAS, the City Attorney request authorization to ratify the negotiated settlement amount of one hundred and fifty thousand dollars and no cents (\$150,000.00). This amount will be remitted in the form of U.S. currency in the amount of one hundred and fifty thousand dollars and no cents (\$150,000.00); and

WHEREAS, the Mayor and City Commission, being fully advised of the facts of this matter, believe it is in the best interest of the City to resolve this litigation in lieu of proceeding to trial and accepts the recommendation of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are confirmed as true and incorporated herein.

SECTION 2. Ratify Settlement. The Mayor and City Commission hereby ratify the negotiated settlement in the matter of Phillip and Karen Mcenany v. City of Hallandale Beach et al.

SECTION 3. City Manager and City Attorney Authorization. The Mayor and City Commission hereby authorize the City Manager and City Attorney to settle litigation styled Phillip Mcenany and Karen Mcenany v. City of Hallandale Beach, et al Case No.: CACE 11-23180 (13) in the Circuit Court of the Seventeenth Judicial Circuit, Broward County for the total sum of one hundred and fifty thousand dollars and no cents (\$150,000.00). This amount will be remitted in the form of U.S. currency in the amount of one hundred and fifty thousand dollars and no cents (\$150,000.00), in exchange for the appropriate release executed by the Plaintiffs.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this day of November, 2017.

JOY F. COOPER
MAYOR

74 SPONSORED BY: CITY ATTORNEY

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MARIO BATAILLE, CMC, CITY CLERK

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82 APPROVED AS TO LEGAL SUFFICIENCY
83 AND FORM

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JENNIFER MERINO
89 CITY ATTORNEY