

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CASE OF LINDA CAGLE AND KENNETH CAGLE V. THE CITY OF RIVIERA BEACH AND ACTIVE INTEREST MEDIA, INC., D/B/A PASSAGE MAKER, CASE NO.: 2015CA011846XXXX MB AO; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF \$75,000 AS COMPLETE SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Linda Cagle tripped and fell walking down a paved roadway at Trawler Fest at the Riviera Beach Marina, causing significant injuries on January 24, 2015; and

**WHEREAS**, her husband Ken Cagle has also brought a loss of consortium claim, there is joint responsibility between AIM and the City as well as the CRA for the injuries sustained by Ms. Cagle at the Marina; and

**WHEREAS**, the City of Riviera Beach demanded the CRA to indemnify it for any loss, damage or expenses including attorney's fees and costs resulting from this lawsuit as well as defending and indemnifying it under the terms of the policy as an additional insured; and

**WHEREAS**, a court ordered mediation was held on January 30, 2018, the parties have reached an agreement to globally settle the case for a total of \$250,000 with the City of Riviera Beach being responsible for \$75,000, the CRA - \$91,667, and AIM's portion is \$83,333. Settlement is contingent upon City Council approval.

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:**

**SECTION 1.** That settlement in the matter of *Linda Cagle and Kenneth Cagle v. City of Riviera Beach, and Active Interest Media, Inc., D/B/A Passage Maker Case No. 2015CA011846XXXXMB AO* is hereby approved in the total amount of \$250,000.

**SECTION 2.** That Gallagher Bassett Services, Inc., is authorized to make payment of \$75,000 on behalf of the City, after receiving appropriate releases from Mr. and Mrs. Cagle.

**SECTION 3.** That this resolution shall take effect immediately upon its passage and approval by the City Council.

**PASSED and APPROVED** this \_\_\_\_\_ day of February, 2018.

RESOLUTION NO.: \_\_\_\_\_

PAGE -2-

APPROVED:

\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

\_\_\_\_\_  
KASHAMBA MILLER-ANDERSON  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
TONYA DAVIS JOHNSON  
CHAIR PRO TEM

\_\_\_\_\_  
LYNNE L. HUBBARD  
COUNCILPERSON

\_\_\_\_\_  
TERENCE D. DAVIS  
COUNCILPERSON

\_\_\_\_\_  
DAWN S. PARDO  
COUNCILPERSON

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

T. DAVIS-JOHNSON \_\_\_\_\_

D. PARDO \_\_\_\_\_

T. DAVIS \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
ANDREW DEGRAFFENREIDT, III  
CITY ATTORNEY

DATE: \_\_\_\_\_