



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CASE OF MAGDALA DESORMEAUX V. THE CITY OF RIVIERA BEACH AND MALCOLM A. SCARLETT, CASE NO.: 502019CA002414XXXXXMB; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF ONE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS (\$125,000.00) AS FULL AND FINAL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

DATE: JUNE 23, 2021

CC: GENERAL PUBLIC

Background:

On February 21, 2019, Magdala Desormeaux (hereinafter “Plaintiff”) filed a lawsuit in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 502019CA002414XXXXXMB, against the City of Riviera Beach and Malcolm A. Scarlett, former City employee, for personal injuries she sustained in a motor vehicle collision in Riviera Beach, Palm Beach County, Florida.



According to the lawsuit, on or about November 11, 2016, the Plaintiff alleged that the City's Riviera Beach Police Officer, Malcolm A. Scarlett, was negligent in the operation of his motor vehicle when he collided with the vehicle driven by the Plaintiff while in the course and scope of his employment.

Plaintiff alleged that the collision caused permanent injuries to her body.

Counsel for the Plaintiff and counsel for the City negotiated and mediated this matter on May 18, 2021. Counsel for the City, Risk Management and representatives of Gallagher Bassett concur that settlement in the amount of One Hundred and Twenty Five Thousand Dollars (\$125,00.00), inclusive of all attorneys' fees and costs, is in the City's best interest, subject to City Council approval.

Citywide Goal:

To provide quality, timely, cost-efficient, professional legal services and advice to support the goals and objectives of the City Council, the City Manager, and the City departments, and to advocate and defend the interests of the City within the bounds of the law.

Budget/Fiscal Impact:

\$125,000.00. This payment was provided for in the budget for Risk Management, City Budget Fiscal Year 2021, Page No.333. Payment of this settlement should not have any significant impact on the City's budget.

Recommendation(s):

The Office of the City Attorney recommends it is in the best interests of the City to settle this case.

Attachment(s):

1. Resolution Number 65-21
2. Settlement Agreement and Release.

