

**RESOLUTION NO. 65-21**

**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.: 502019CA002414XXXXMB; 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.**

**WHEREAS**, 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. 502019CA002414XXXXMB, against the City of Riviera Beach and Malcolm A. Scarlett, for personal injuries she sustained in a motor vehicle incident in Riviera Beach, Palm Beach County, Florida; and

**WHEREAS**, on or about November 11, 2016, the Plaintiff alleged that the City’s police officer was negligent in the operation of his motor vehicle when he collided with the vehicle driven by Plaintiff while in the course and scope of his employment; and

**WHEREAS**, Plaintiff alleged that she suffered permanent injury to her body; and

**WHEREAS**, counsel for the Plaintiff and counsel for the City negotiated and mediated this matter on May 18, 2021, and thereafter; and

**WHEREAS**, 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 (\$125,000.00), inclusive of all attorneys’ fees and costs, is in the City’s best interest, subject to 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 Magdala Desormeaux v. The City of Riviera Beach and Malcolm A. Scarlett, Case No.: 50-2019-CA-002414-XXXX-MB is hereby approved in the total amount of \$125,000.00, inclusive of attorney’s fees and costs.

**SECTION 2.** That Gallagher Bassett Services, Inc. is authorized to make payment on behalf of the City after receiving the appropriate releases from Magdala Desormeaux.

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

**PASSED and APPROVED** this \_\_\_\_\_ day of JUNE, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**SHIRLEY D. LANIER,**  
**CHAIRPERSON**

**ATTEST:**

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

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCILPERSON**

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**JULIA A. BOTEL, Ed.D**  
**COUNCILPERSON**

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**DOUGLAS A. LAWSON**  
**COUNCILPERSON**

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

REVIEWED AS TO LEGAL SUFFICIENCY

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

**T. MCCOY:** \_\_\_\_\_

\_\_\_\_\_  
**DAWN S. WYNN, CITY ATTORNEY**

**K. MILLER-ANDERSON:** \_\_\_\_\_

**S. LANIER:** \_\_\_\_\_

**J. BOTEL:** \_\_\_\_\_

**D. LAWSON:** \_\_\_\_\_