



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **FROM:** Richard Doyle

SUBJECT: Alvis, Jennifer M. & Derek v. Olmos, City, et al. [Pedestrian Struck in Crosswalk] [1-09-CV-140422] **DATE:** May 31, 2011

RECOMMENDATION

Approve settlement in the case of *Alvis v. Olmos, City of San José, et al.*, and authorize the City Attorney to execute a Settlement Agreement and Release with Jennifer and Derek Alvis in the amount of \$225,000.00.

OUTCOME

To resolve a lawsuit against the City of San Jose and David Olmos seeking damages for alleged personal injuries resulting from an automobile accident.

BACKGROUND

This case involves a pedestrian-related auto accident. On April 3, 2008, while driving through a residential area in an assigned City vehicle, a San Jose Fire Inspector hit a pedestrian, plaintiff Jennifer Alvis. Ms. Alvis suffered significant personal injuries, which required surgery and follow-up care and treatment. Plaintiff, Derek Alvis, claims damages for time lost from work to care for his wife. The medical bills total approximately \$175,000.00 to date. On or about May 24, 2011, the City Council, in closed session, authorized settlement in the amount of \$225,000.00, for a release of all claims arising out of the incident, subject to open session approval.

ANALYSIS

The risks of litigation makes a settlement of the case reasonable. The parties agreed to participate in an early settlement conference with a neutral mediator. The proposed settlement includes payment to a lien holder for the payment of Ms. Alvis' medical bills.

PUBLIC OUTREACH/INTEREST

This memorandum and the settlement agreement are posted on the City's website for the June 14, 2011, City Council Agenda.

COORDINATION

This settlement has been coordinated with the City Attorney's Office and the Fire Department.

BUDGET REFERENCE

The settlement will be paid out of the City's General Liability Claims reserve fund, Appropriation 0018.

CEQA

Not a Project; PP10-066(h), Settlement Agreement.

RICHARD DOYLE
City Attorney

By



PAUL D. AHN
Deputy City Attorney

For questions please contact Richard Doyle, City Attorney at (408) 535-1900.