

# CITY COUNCIL REPORT



Meeting Date: January 27, 2014  
Charter Provision: *Provide for the orderly government and administration of the affairs of the City*  
Objective: *Fiscal Management*

## ACTION

---

**Settlement of Griffin v. City of Scottsdale.** Consider adopting Resolution No. 9627 authorizing settlement in the amount of \$24,000 of James Griffin's negligence lawsuit against the City entitled *Griffin v. City of Scottsdale et. al.*, Case No. CV2013-009674, currently pending in the Superior Court of Maricopa County, Arizona.

## BACKGROUND

---

This litigation stems from an allegation by Plaintiff James Griffin that City employee, Thomas Stewart, made an illegal u-turn and ran into the passenger side of his vehicle on November 29, 2011. Mr. Griffin sued the City, alleging physical injuries and claiming to have incurred approximately \$27,000 in medical bills and general damages. The City has denied liability in the case. The City also denied that the accident caused damages to the extent claimed by Mr. Griffin.

## ANALYSIS & ASSESSMENT

---

### Recent Staff Action

The City Attorney's Office has been defending this matter and, on January 2, 2014, Mr. Griffin agreed to a full and final settlement of his claims in exchange for \$24,000.00, contingent upon approval of the City Council. City Staff and the City Attorney's Office concur that it is in the best interest of the City to resolve the lawsuit at this time.

### Policy Implications

None.

### Significant Issues to be Addressed

If this case were to proceed to trial, and if Plaintiff prevailed, he would be entitled to reimbursement of his costs incurred in this litigation in addition to any damages recovered. Settlement in the amount of \$24,000 is well supported by the City's potential cost to litigate this

case, including payments to its medical experts and other expert witnesses, and the amount of the potential verdict should Mr. Griffin prevail.

**Community Involvement**

This case is in litigation, which does not involve a community outreach process.

**RESOURCE IMPACTS**

---

**Available funding**

Payment of this settlement will be made from the Risk Management claims budget: 710-23740-52483.

**Staffing, Workload Impact**

The City Attorney's Office has been defending this case with the assistance of Risk Management and other City departments as needed. The proposed settlement will bring the case to a conclusion, lower the workload on each department, and cut off additional costs and attorneys fees necessary to defend the case.

**Maintenance Requirements**

None.

**Future Budget Implications**

The proposed settlement of \$24,000.00 may be included in the City's primary property tax rate for the next tax year. The eligibility of settlement and judgment payments for possible inclusion in the City's primary property tax rate is based on an Arizona Attorney General opinion. The City of Scottsdale has a long-standing practice of including paid tort settlements equal to or greater than \$20,000.00 in the City's primary tax rate to reimburse the Self-Insurance Fund for payment of the claim.

**Cost Recovery Options**

None.

**OPTIONS & STAFF RECOMMENDATION**

---

**Recommended Approach**

Approve Resolution No. 9627 and authorize settlement and release of this litigation in the amount of \$24,000.00, as proposed.

**Description of Option B**

Reject proposed settlement and release and proceed with litigation.

**Description of Option C**

N/A

**Proposed Next Steps**

If the settlement is approved, the City Attorney's Office will execute the relevant settlement and release paperwork to conclude this matter.

**RESPONSIBLE DEPARTMENT(S)**

---

General Government, City Attorney's Office – Civil Division

Human Resources, Risk Management

**STAFF CONTACTS (S)**

---

Bruce Washburn

City Attorney, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov);

Katie Callaway

Director, Risk Management, [kcallaway@scottsdaleaz.gov](mailto:kcallaway@scottsdaleaz.gov)

**APPROVED BY**

---

  
Bruce Washburn

By: Eric Anderson

Senior Assistant City Attorney

(480) 312-7302

[ecanderson@scottsdaleaz.gov](mailto:ecanderson@scottsdaleaz.gov)

  
Date

  
Jeff Nichols

City Treasurer

(480) 312-2364

[jenichols@scottsdaleaz.gov](mailto:jenichols@scottsdaleaz.gov)

  
Date

**ATTACHMENTS**

---

1. Resolution No. 9627

RESOLUTION NO. 9627

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, CONCERNING *JAMES GRIFFIN V. CITY OF SCOTTSDALE*, CASE NO. CV2013-009674, CURRENTLY PENDING IN THE SUPERIOR COURT IN AND FOR MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY TO SETTLE WITH THE PLAINTIFF IN AN AMOUNT OF \$24,000.00, PAYABLE FROM THE RISK MANAGEMENT OPERATING BUDGET (710-23740-52483).

WHEREAS James Griffin brought suit against the City of Scottsdale seeking to recover monetary damages for injuries resulting from a motor vehicle accident on November 29, 2011, in Scottsdale; and

WHEREAS the City has decided to resolve the disputed issues and compromise the claims by settling herein; and

WHEREAS it is in the best interest of the City to effectuate a settlement of the matter of *GRIFFIN V. CITY OF SCOTTSDALE*, Maricopa County Superior Court Case No. CV2013-009674.

NOW, THEREFORE, BE IT RESOLVED by the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council hereby authorizes \$24,000.00 to be paid from the City's Risk Management Operating Budget for settlement of *GRIFFIN V. CITY OF SCOTTSDALE*, Maricopa County Superior Court Case No. CV2013-009674.

Section 2. That the City Manager, the City Treasurer, the City Attorney, and their respective staffs are authorized and directed to execute such documents and take such other actions as are necessary to carry out the purpose of this Resolution.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of January, 2014.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

By: \_\_\_\_\_  
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Eric Anderson, Sr. Assistant City Attorney