

This resolution settles the person injury and loss of consortium claims of Joseph and Wyndee Clara against the Metropolitan Government for the amount of \$195,000 to be paid from the self-insured liability fund. On November 14, 2018, Mr. Clara was traveling on Korean Veterans Memorial Bridge behind a Public Works truck. The truck had been deployed to pick up debris from the roadway. The Public Works truck driver noticed debris in the oncoming lane, so he attempted an improper U-turn to retrieve the debris striking Mr. Clara's vehicle.

Mr. Clara was transported from the scene by ambulance to the hospital for injuries to his shoulders. He required surgery in both shoulders plus extensive physical and occupational therapy, and has a 10% total body impairment rating. Mr. Clara's medical bills to date total \$113,000, and are expected to increase. He also has \$55,000 in lost wages. Mr. Clara's wife had to provide significant assistance during his recovery, resulting in her loss of consortium claim.

Since the court would likely find the Public Works driver to be mostly at fault, the Department of Law recommends settling these claims for a total of \$195,000. Under the Governmental Tort Liability Act, both Mr. and Mrs. Clara have individual claims with a cap of \$300,000 each. Given the amount of existing and future medical bills, lost wages, and pain and suffering, a court would likely award more than the proposed settlement amount if the case went to trial.

The Public Works employee received disciplinary action consisting of a written reprimand.

Fiscal Note: This \$195,000 settlement, along with the settlement per Resolution No. RS2020-687, would be the 20th and 21st payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,400,369. The fund balance would be \$1,644,859 after these payments.