

her left arm. Kamari's mother, Michelle Mitchell, was immediately notified of the incident and took Kamari to the emergency room. Kamari was diagnosed with a broken arm, which was treated with a cast. Ms. Mitchell's out-of-pocket medical expenses were \$9,871.03.

Ms. Mitchell filed a claim with the Department of Law's claim division, which was denied. Ms. Mitchell then filed a lawsuit on behalf of her daughter against the Metropolitan Government. The lawsuit seeks economic and non-economic damages "in an amount not to exceed \$500,000." Ms. Mitchell claims that her daughter was negligently supervised and that the Metropolitan Government knew or should have known of the dangerous condition posed by the jungle gym. After the injury, the jungle gym was removed and replaced with a new jungle gym.

The Department of Law recommends settlement of Ms. Mitchell's claim for \$22,500. The settlement would include a dismissal with prejudice of all of Ms. Mitchell's claims against the Metropolitan Government and its affiliates. While the Department believes the negligent supervision claim is without merit, the evidence tied to knowledge of the dangerous condition claim could lead a jury to find in Ms. Mitchell's favor. If the plaintiff prevailed at trial, the combined cost of defense and judgment would clearly exceed the proposed settlement.

Fiscal Note: The total settlement amount is \$22,500. This settlement would be 2nd payment from the Judgment and Losses Fund in FY25 for a cumulative total of \$522,500. The fund balance would be \$20,182,479 after this payment.