



The City of San Diego

Staff Report

DATE ISSUED: March 15, 2022

TO: City Council

FROM: City Attorney

SUBJECT: Settlement of *Marguerite Coats v. City of San Diego*, San Diego Superior Court Case No. 37-2020-00034612-CU-PO-CTL, Risk No. 24552

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Secondary Contact: Shelley Carter Phone: (619) 533-5869

Council District(s): Citywide

OVERVIEW:

This item is a settlement of a litigation claim filed by Marguerite Coats for personal injury damages stemming from a trip and fall accident on a sidewalk on January 13, 2020.

PROPOSED ACTIONS:

- 1) A resolution authorizing the Mayor or his designee to pay the sum of \$150,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim filed by Marguerite Coats.
- 2) Authorize the Chief Financial Officer to expend an amount not to exceed \$150,000.00 from Public Liability Fund No. 720045, for the purpose of settling this claim.

DISCUSSION OF ITEM:

On January 13, 2020, Plaintiff Marguerite Coats tripped and fell while walking on a raised portion of sidewalk located at 5166-5174 Diane Avenue, San Diego, CA 92117, resulting in injuries including the loss of her two front teeth, chipped tooth, and dislocated left elbow.

Plaintiff claimed the sidewalk was in a dangerous condition and that the City had notice of its dangerous condition in sufficient time to have repaired the condition prior to the accident.

Plaintiff filed this lawsuit to recover for damages allegedly resulting from the incident, including medical bills, and pain and suffering.

We recommend that the City Council approve settlement of this action in the total amount of \$150,000.00. This proposed settlement will resolve all of Plaintiff's claims arising from the action.

City Strategic Plan Goal(s)/Objective(s):

N/A

Fiscal Considerations:

Settlement amount of \$150,000.00 will be paid from Public Liability Fund No. 720045.

Charter Section 225 Disclosure of Business Interests:

N/A

Climate Action Plan Implementation:

N/A

Environmental Impact:

This activity is not a project pursuant to CEQA Guidelines Section 15378(b)(4), as it is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Therefore, this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

The item was heard in closed session on March 1, 2022.

Key Stakeholders and Community Outreach Efforts:

N/A

George F. Schaefer

Assistant City Attorney