

**CITY OF HOLLYWOOD
INTER-OFFICE MEMORANDUM
Office of the City Attorney**

DATE: July 2, 2019

TO: Peter Junker
Risk Manager

VIA: Douglas R. Gonzales
City Attorney

FROM: Stacie Hirsch
Executive Assistant

SUBJECT: Yves R. De Maris v. City of Hollywood
Case No.: CACE 17-012385

DRG

Stacie

Please issue a check in the amount of **\$15,000.00** pursuant to the settlement agreement on the above-referenced matter. Kindly issue the check, payable as indicated below, to be delivered to Plaintiff's attorney.

Check payable to:

Adelman & Adelman, P.A. and Yves R. Des Maris
2825 N. University Drive, Suite 410
Coral Springs, FL 33065

Tax ID: 65-0331054

Thank you

Attachments

c: Steve Hanzman, Liability Adjuster
Tammie Hechler, Director of Human Resources
Tanya Bouloy, Risk Management Analyst

GENERAL RELEASE OF ALL CLAIMS

THIS INDENTURE WITNESSETH that, in consideration of the total sum of **Fifteen Thousand Dollars and 00/100 (\$15,000.00)** receipt of which is hereby acknowledged that I, **YVES DES MARAIS**, do hereby and for my heirs, executors, successors, agents, personal representatives, administrators and assigns, do hereby release, acquit and forever discharge **THE CITY OF HOLLYWOOD, its employees, representatives, and assigns, agents, servants, successors, heirs, executors, administrators, past, present and future**, from any and all claims, including, but not limited to: loss of use, rental cost, diminished value, an allowance for any difference between the value of Plaintiff's vehicle before the accident and its value after repairs had been made, damages for deprivation of the use of Plaintiff's vehicle during the period reasonably required for the vehicle's repair, of any kind already sustained or that may be sustained on account of an accident that occurred at **S. Park Road and Hollywood Boulevard, Hollywood, Florida** on or about **April 20, 2016**.

To procure payment of the said sum, I hereby declare that I am more than **21** years of age; that no representations about the nature and extent of said damages made by any attorney or agent of any party hereby released, nor any representations regarding the nature and extent of legal liability or financial responsibility of any of the parties hereby released, have induced me to make this settlement; that in determining said sum I have taken into consideration the damages, so that consequences not now anticipated, which may result from the said incident are accepted and part of this General Release.

I understand that the parties hereby released admit no liability of any sort by reason of said incident and that said payment and release in compromise is made to terminate further controversy respecting all personal injury, disability, and damages that I have heretofore asserted or that I or my personal representatives might hereafter assert because of said incident. Additionally, this General Release specifically denies liability therefor and is intended to merely avoid litigation.

This General Release covers any and all claims past, present and future, which are the subject matter of **Yves R. Des Marais v. City of Hollywood; Case No. CACE-17-012385** in the Circuit Court, Broward County, Florida.

Additionally, each party is to bear its own attorney's fees and costs concerning Circuit Court **CACE-17012385**.

IN WITNESS WHEREOF, We have hereunto set our hands and seal this 8th day of

May, 2019.

Signed, sealed and delivered in the presence of:

(CAUTION - READ BEFORE SIGNING)

WITNESSED BY:

[Signature]

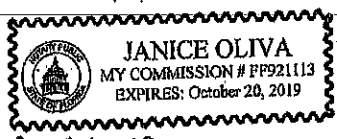
[Signature]
YVES R. DES MARAIS

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State of Florida and in Broward County, to take acknowledgments, personally appeared Yves Desmarais who is personally known to me or has produced identification in the form of _____ with identifying number _____, who did/did not take an oath, and states that he has read the foregoing instrument and who acknowledge before me that he executed the same.

SWORN and SUBSCRIBED before me this 8th day of May,
2014/19

My Commission Expires:




10-20-19


[Signature]
NOTARY PUBLIC

CITY OF HOLLYWOOD, FLORIDA
INTEROFFICE MEMORANDUM
Office of the City Attorney
(954) 921-3435

DATE: June 27, 2019

TO: Wazir A. Ishmael, Ph.D.
City Manager

FROM: John Wien
Chief Litigation Counsel 

VIA: Douglas Gonzales 
City Attorney

SUBJECT: Yves R. Des Marais v. City of Hollywood
Case No.: CACE 17-012385

The contents of this memo are subject to attorney-client communication privilege and otherwise are confidential and exempt from the public disclosure provisions of Fla. Stat. §119.07(1) pursuant to Fla. Stat. §119.07(3)(1)(1) and Fla. Stat. §768.28(16)(b) and (c) until termination of all litigation and settlement of all claims arising out of the same incident.

ISSUE:

Settlement of the claims of Yves R. Des Marais.

EXPLANATION:

This matter stems from an April 20, 2016 automobile accident between the Plaintiff and Officer Karen LaFrance while she was on duty with the Hollywood Police Department. The accident occurred when Officer LaFrance attempted to cross the four northbound traffic lanes on S. Park Road in an attempt to make a left turn to proceed southbound on S. Park Road. While officer LaFrance believed that her path was clear as traffic in the first 3 northbound lanes stopped for her to cross, she drove into the path of the Plaintiff who was traveling in the final lane that she had to clear before making her left turn. Plaintiff was driving a 2015 Tesla which incurred moderate front end damage.

Plaintiff's claim is for loss of use and diminished value damages regarding the 2015 Tesla. Specifically, Plaintiff has claimed \$71,500 for loss of use damages resulting from the 110 days it took to repair the vehicle. Additionally, he claimed diminished value damages in the amount of \$21,833.00 which was calculated by Expert Auto Appraisals. Plaintiff's total claim was for \$93,333.00.

After conducting paper discovery and deposing the relevant parties, a settlement was agreed to in the amount of \$15,000.000. Pursuant to Code §41.05(B)(1), I am providing you with prior

written notice of this settlement. If you would like to discuss this settlement, please notify me at your earliest convenience.

Thank you.

**Request for Taxpayer
 Identification Number and Certification**

Give Form to the
 requester. Do not
 send to the IRS.

Print or type
 See Specific Instructions on page 2.

Name (as shown on your income tax return)
Adelman & Adelman, P.A.

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Other (see instructions) ▶ _____

Exemptions (see instructions):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____

Address (number, street, and apt. or suite no.)
2825 N. University Dr. #410

City, state, and ZIP code
Coral Springs, FL 33065

Requester's name and address (optional)

List account number(s) held (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

			-			-			
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Employer identification number

6	5	-	0	3	3	1	0	5	4
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ [Signature] Date ▶ 5-26-16

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and
 4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.