

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT A SETTLEMENT BETWEEN MARY REIDINGER AND THE CITY FOR TEMPORARY PARTIAL DISABILITY BENEFITS AND ATTORNEY'S FEES FOR A WORKERS' COMPENSATION CLAIM IN AN AMOUNT NOT TO EXCEED \$171,113.73.

WHEREAS, the City of Hollywood (the "City") has been advised by its workers' compensation attorney that there are Temporary Partial Disability benefits and attorney's fees/costs due and owing to Mary Reidinger (the "Claimant") for her workers' compensation claim relating to injuries that occurred on August 12, 2011 (the "Claim"); and

WHEREAS, on August 12, 2011, Mary Reidinger had an accident/injury which the City determined was not compensable under workers' compensation. As a result, Ms. Reidinger treated her injury under the City's health insurance and then litigated her workers' compensation claim. On March 19, 2014, the Judge of Compensation Claims (JCC) found the accident/injury to be compensable and awarded Temporary Total Disability (TTD) benefits to Ms. Reidinger for the time frame of August 12, 2011 through February 15, 2012. The City appealed the Order, however, on November 21, 2014, the Order was affirmed by the First District Court of Appeal; and

WHEREAS, Andrew Borah, the City's workers' compensation attorney, has advised that since the claimant did not receive any salary, and was unable to utilize sick, or vacation leave from February 16, 2012 to November 30, 2012, Ms. Reidinger is owed \$55,931.70 in Temporary Partial Disability (TPD) benefits, penalties and interest for this time frame; and

WHEREAS, Mr. Borah further advises that the City also owes Ms. Reidinger \$40,449.95 in past due TPD benefits, including penalties and interest for the time frame from December 1, 2012 to March 17, 2015; and

WHEREAS, Mr. Borah and Ms. Reidinger's attorney have settled her claim for attorney's fees for \$70,000.00 and her claim for costs for \$4,732.08. Mr. Borah believes opposing counsel would easily obtain triple this amount if the fee entitlement were to be decided by the JCC. Therefore, it is recommended that the City authorize \$74,732.08 in attorney's fees and costs.

WHEREAS, it is recommended that the City Commission authorize a settlement in an amount not to exceed \$171,113.73. This amount does not finally settle the claim, it only settles what is currently due and owing for attorney's fees/costs and Temporary Partial Disability benefits;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the above-described settlement is hereby approved payable from the City's self-insurance fund.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
For the use and reliance of the  
City of Hollywood, Florida, only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY