

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING SETTLEMENT OF THE CASE OF "HURWIT V. CITY" IN VIEW OF VERDICT IN FAVOR OF CITY AND CITY'S ENTITLEMENT TO RECOVER ATTORNEY'S FEES AND COURT COSTS.

WHEREAS, Alyse Hurwit filed a civil action against the City arising out of an automobile accident that she alleged was caused by the negligence of a police officer; and

WHEREAS, the case was tried in August 2017, and the jury returned a defense verdict on the issue of liability; and

WHEREAS, since the City had filed a proposal for settlement prior to trial, the City is entitled to recover from Hurwit attorney's fees in the amount of \$52,517.50 and court costs in the amount of \$33,288.00; and

WHEREAS, Hurwit offered to settle her liability for \$10,000.00 and has threatened to file for personal bankruptcy if the City rejects her offer; and

WHEREAS, the City countered with a settlement demand in the amount of \$33,288.00, effectively waiving its entitlement to attorney's fees, subject to the approval of the City Commission; and

WHEREAS, Hurwit rejected the City's settlement demand for \$33,288.00, but she could change her mind; therefore, the City Attorney recommends that the City Commission consider and formally approve it if the City Commission determines that doing so is in the best interest of the City; and

WHEREAS, because the amount to be forgiven under either scenario exceeds \$25,000.00, City Commission approval is required; and

WHEREAS, the City Attorney recommends that the City Commission consider settlement of this matter by waiving all but \$10,000.00 or by waiving all but \$33,288.00 of its entitlement to attorney's fees and costs of litigation.

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

RESOLUTION APPROVING SETTLEMENT WITH ALYSE HURWIT.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: (Option A) That settlement in the amount of \$10,000.00 is approved, and the City waives the balance of its entitlement to additional fees and costs;
OR

(Option B) That settlement in the amount of \$33,288.00 is approved, and the City waives the balance of its entitlement to additional fees and costs.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY