



City of Hollywood

Hollywood City Hall
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Legislation Text

File #: R-2018-091, **Version:** 1

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.

Staff Recommends: Consideration of settlement with Alyse Hurwit.

Explanation:

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

Since the City had filed a proposal for settlement prior to trial, the City is entitled to recover from Ms. Hurwit attorney's fees in the amount of \$52,517.50 and court costs in the amount of \$33,288.00. Ms. Hurwit has offered to settle for \$10,000.00 and has threatened to file for personal bankruptcy if the City rejects her offer. The City has 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

Ms. Hurwit has 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 it and formally approve it if the City Commission determines that doing so is in the best interest of the City.

Because the amount to be forgiven under either scenario exceeds \$25,000.00, City Commission approval is required.

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.

Recommended for inclusion on the agenda by:

Douglas R. Gonzales, City Attorney

Dr. Wazir A. Ishmael, City Manager