



OFFICE OF THE
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THE CITY OF DAYTONA BEACH

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MEMORANDUM

To: City Commission
From: Robert Jagger, City Attorney *RJ*
Re: Settlement of litigation – Eddie I. Sierra v. City of Daytona Beach
Case No. 6:18-CV-IS62-ORL-40-GJK
Date: 10/29/18

The referenced lawsuit against the City, which is pending in federal court, is brought under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1972. The Plaintiff, Eddie Sierra, is a deaf person who alleges that these laws obligate the City to provide him equal access to observe and participate in the democratic process, and that he has been denied such access due to the lack of closed captioning for live streamed and archived videos of City Commission meetings on the City's website.

The essential terms of the settlement are as follows:

- Live streamed City Commission meetings occurring after June 30, 2019 that are on the City's website, shall be closed captioned.
- Archived videos of City Commission meetings occurring after June 30, 2019, appearing on the City's website, shall be closed captioned.
- Captions shall meet Web Content Accessibility Guidelines (WCAG) 2.0 success criteria for captioning of live and archived content, as published by the Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C).

Mr. Sierra is represented by attorney J. Courtney Cunningham, Esq. The Plaintiff has agreed to settlement in the amount of \$10,500 for all claims, inclusive of costs and attorney's fees.

The Incident Review Committee recommends City Commission approval for settlement in the amount of \$10,500. If this case is not settled, a jury verdict could result in an award in excess of the settlement amount. If Plaintiff prevails, the Plaintiff would also be entitled to recover attorney's fees and costs under federal law. Accordingly, I concur with the recommendation of the Incident Review Committee.

This memorandum is prepared for purposes of client consultation and does not constitute an admission against interest.

cc: James V. Chisolm, City Manager
Letitia LaMagna, City Clerk