



OFFICE OF THE
CITY ATTORNEY
THE CITY OF DAYTONA BEACH

301 South Ridgewood Avenue, Suite 220,
Daytona Beach, FL 32114
Mailing address: P.O. Box 2451, Daytona Beach, FL 32115
Telephone: (386) 671-8040 Facsimile: (386) 671-8049

ROBERT F. JAGGER, City Attorney
BENJAMIN S. GROSS, Deputy City
Attorney, Board Certified in City, County &
Local Government Law
ANTHONY E. JACKSON, Assistant City
Attorney, Police Legal Advisor
GARY GLASSMAN, Assistant City Attorney
CARLY MEEK, Assistant City Attorney
ROBERT ABRAHAM, Assistant City
Attorney

MEMORANDUM

TO: The City Commission
FROM: Robert Jagger, City Attorney *RJ*
RE: Settlement of Claim: Roy Longfellow
DATE: November 14, 2018

On July 11, 2017, at approximately 9:30 p.m., Roy Longfellow (DOB 1/27/64) and his wife were out for a walk on the Boardwalk while vacationing from Ohio. Mr. Longfellow descended a wooden staircase from the Boardwalk providing public access to the beach, and unexpectedly encountered a broken and partially missing step, and fell. The area where Mr. Longfellow fell was dimly lit due to turtle season lighting restrictions. The City was aware that the stairway had been damaged, and the access was scheduled for repair. No warning signs had been posted and the beach access was not closed.

Immediately after the fall, Fire/Rescue responded to the scene and Mr. Longfellow was transported by EVAC to Halifax Hospital where he was diagnosed with a patellar tendon rupture of the left knee. The day after the accident, Mr. Longfellow and his family revised their vacation plans and returned to Ohio for Mr. Longfellow to undergo surgery. Surgery to repair the ruptured patellar tendon was performed July 18, 2017. Mr. Longfellow had a continuing course of treatment and physical therapy following surgery. Mr. Longfellow now has a noticeable scar on his left leg, and reportedly continues to suffer pain and limitation of movement.

Mr. Longfellow has incurred approximately \$52,000.00 in medical bills. According to his doctors, Mr. Longfellow will likely require future medical care as a result of the accident. In addition, Mr. Longfellow and his family incurred expenses to cut short their vacation and fly home.

Mr. Longfellow is represented by Lina Lopez, Esq. of Morgan & Morgan. Attorney Lopez presented an original settlement demand to Risk Management of \$200,000.00. As a result of negotiations with Risk Management, the claimant and his attorney have now agreed to settlement in the amount of \$110,000.00, inclusive of attorney's fees and costs, subject to City Commission approval. The City's Incident Review Committee has reviewed the proposed settlement and recommends approval by the City Commission. If this claim is not settled, a jury verdict could result in an award in excess of the settlement amount; 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