

**CITY OF SAN ANTONIO
OFFICE OF THE CITY ATTORNEY
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager
FROM: Michael Bernard, City Attorney
SUBJECT: Judgment in *Claudio Esparza and Minerva Esparza v. City of San Antonio and Rolando Lopez*, Cause No. 2001-CI-12800 and Cause No. 04-04-00631-CV.
DATE: March 23, 2006

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes payment of a judgment in the above lawsuit in the approximate amount of \$238,208.61. Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

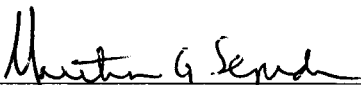
On September 6, 1999, Plaintiffs' vehicle was struck by City driver, Rolando Lopez., while turning at an intersection. Claudio Esparza, Jr. and Minerva Esparza suffered injuries and filed suit. Both the City and Plaintiffs attended mediation but a settlement agreement was not reached. On May 13, 2004, a jury ruled in favor of Plaintiffs in an amount of \$220,675.00. On December 21, 2005, the 4th Court of Appeals lowered the original award to \$203,748.71. Plaintiffs are entitled to pre and post-judgment interest. This lawsuit will be discussed with City Council in executive session on March 23, 2006.

FISCAL IMPACT

If approved, payments will be made from the City's Liability Self Insurance Fund to Claudio Esparza, Jr., Minerva Esparza, and their attorneys, Gonzalez & Gonzalez, L.L.P. in the judgment amount plus pre and post-judgment interest, which accrues at approximately \$29.00 per day.

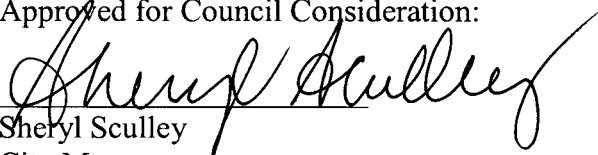
COORDINATION

This item was coordinated with the Office of Management and Budget, Department of Finance, and the Parks Department.



Michael D. Bernard
City Attorney

Approved for Council Consideration:



Sheryl Sculley
City Manager