

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: SETTLEMENT OF LABLANC v.
CITY OF SAN JOSE

DATE: May 23, 2019

RECOMMENDATION

Approve a settlement in the case of *LaBlanc v. Tri-City Recovery, Mark Staton, & City of San Jose* in the amount of \$100,000.00, and authorize the City Attorney to execute a Settlement Agreement.

OUTCOME

Settle the lawsuit brought by Plaintiffs Steven and Gina LaBlanc with a payment by the City of \$100,000.00, each side to bear their own costs, including attorney fees.

BACKGROUND

Plaintiffs are the parents of Kyle LaBlanc, an 18-year-old young man who was struck and killed on Curtner Ave. shortly after midnight on January 25, 2016. Kyle LaBlanc was on foot in the bike lane of westbound Curtner Ave. beneath the Hwy 87 overpass when he was hit by a tow truck driven by Mark Staton, employee of Tri-City Recovery. The City-maintained lights under the overpass above the westbound lanes were not functioning at the time of the accident.

Plaintiffs sued Staton, Tri City Recovery, and the City. Plaintiffs allege that Staton was negligent and that the City is responsible for a dangerous condition of public property. The City cross-complained against Staton and Tri City, who cross-complained against the City.

ANALYSIS

Under the proposed settlement, Plaintiffs will receive \$100,000.00 from the City and \$500,000.00 from Staton and Tri-City. This is a negotiated settlement between the parties to avoid the risks inherent in litigation.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the June 4, 2019 agenda.

HONORABLE MAYOR AND CITY COUNCIL

May 22, 2019

Subject: Settlement of *LaBlanc v. City*, a Lawsuit Alleging Dangerous Condition of Public Property

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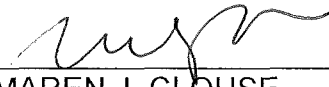
COST SUMMARY/IMPLICATIONS

The settlement will be paid from the City's claims reserve fund.

CEQA

Not Applicable. Not a Project; File No. PP10-066(h), Settlement Agreements.

RICHARD DOYLE
City Attorney

By 
MAREN J. CLOUSE
Senior Deputy City Attorney

cc: David Sykes, City Manager

For questions, please contact RICHARD DOYLE, City Attorney, at (408) 535-1900