

**IMPACT STATEMENT**

**Legislation title:** \*Pay claim of the Estate of Lindsay Leonard in the sum of \$125,000 involving the Portland Bureau of Transportation (Ordinance)

**Contact name:** Becky Chiao  
**Contact phone:** 503-823-6124  
**Presenter name:** Becky Chiao

**Purpose of proposed legislation and background information:**

This ordinance will approve a tentative settlement of a wrongful death lawsuit negotiated in mediation by Risk Management and the City Attorney’s office. The incident occurred in November 2009. Ms. Leonard and her roommate were crossing SE Foster Road at SE 80<sup>th</sup> and were struck and killed by a vehicle driven by a grocery store manager. The Estate of Lindsay Leonard sued the City, the driver of a vehicle which struck and killed Ms. Leonard in a marked crosswalk, the driver’s employer, and Portland General Electric.

In 2011, the City was dismissed from the case prior to trial. In 2015, after the plaintiff appealed the dismissal and the trial verdict, the Court of Appeals overturned the trial court’s ruling and remanded the case for a new trial.

Before going forward with a second trial, we engaged in mediation and reached this tentative settlement requiring City Council approval. For the sum of \$125,000 from the City of Portland and undisclosed amounts from other defendants, the suit will be concluded.

**Financial and budgetary impacts:**

The settlement will be paid by the Insurance and Claims Fund.

**Community impacts and community involvement:**

The City Attorney’s Office and Risk Management have concluded that it is not appropriate to have public involvement in settlement negotiations regarding tort claims or lawsuits against the city.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount