

CITY OF CORAL GABLES

OFFICE OF THE CITY ATTORNEY

- MEMORANDUM-

TO: CITY COMMISSION

DATE: April 20, 2009

FROM:


Elizabeth M. Hernandez
City Attorney

SUBJECT: RAUL PINON V. CITY OF CORAL GABLES

The City Attorney recommends the City Commission approve a settlement agreement negotiated between the parties in the below-described litigation.

Former City Employee, Raul Pinon, filed separate actions against the City, and against the City and the Retirement Board, jointly. He alleged in the former that he was improperly paid. He alleged in the latter that his retirement benefit was improperly calculated. The actions have been vigorously litigated and considerable further litigation, including trial, is yet to come. In order to avoid the cost and uncertainty of litigation, the parties have negotiated a settlement agreement whereby Pinon will dismiss his actions and will sign a global release in exchange for a payment of approximately \$412,000.00. The City's insurance professionals anticipate that its insurance provider will reimburse the City in an approximate amount of \$257,500.00.

Given the further substantial litigation costs to be incurred and the unavoidable uncertainties of litigation, the City Attorney concludes that this settlement is in the best interests of the City and recommends that it be approved.

Should you have any questions or concerns, please do not hesitate to contact our office.

/stg

Encls.