



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 29

Agenda Date: December 12, 2023

In Control: City Council A Session

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

\$215,000.00 settlement in Amelia Galvan v. City of San Antonio and Methodist Hospital

SUMMARY:

This Ordinance authorizes a settlement of a state lawsuit styled Amelia Galvan v. City of San Antonio and Methodist Hospital, in the 407th Judicial District Court, Bexar County, Texas, Cause No. 2020-CI-11747 for the amount of \$215,000.00.

BACKGROUND INFORMATION:

On January 30, 2019, while being transported on a stretcher by SAFD EMS personnel, the stretcher and Plaintiff fell over near the curb at Methodist Hospital. Ms. Galvan alleges she suffered injuries as a result of the stretcher tipping over, requiring two shoulder surgeries. Ms. Galvan has filed suit to recover her medical costs as well as pain and suffering.

This case is set for Jury Trial on January 8, 2024.

ISSUE:

Under the Texas Tort Claims Act, a municipality may be held liable for personal injury caused by a condition or use of tangible personal property, but recovery is limited to \$250,000.

ALTERNATIVES:

If this settlement agreement is not approved by the City Council, the case will proceed to trial. It is in the best interest of the City to settle this matter to avoid the uncertainty and risks associated with litigation.

FISCAL IMPACT:

If the settlement is approved, \$215,000.00 will be paid by a check made payable to Ms. Galvan, her attorneys of record and any lienholders as directed by the City Attorney's Office from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.