

**CONFIDENTIAL, PRIVILEGED COMMUNICATION**  
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**DEPARTMENT OF LAW**

October 31, 2019

**TO:** Wade Kapszukiewicz, Mayor

**THROUGH:** Dale Emch, Director of Law (*JBC for Dale Emch*) 10/31/19

**FROM:** Rhonny L. Brady, Senior Attorney (x1615) *RLB* 10/31/19

**SUBJECT: Proposed Settlement Claim of *Alexandrea R. Presberry***  
**D/O/I: 01/07/2018**

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I am enclosing a copy of the proposed ordinance to authorize the settlement of Ms. Alexandria Presberry's claim against the City in the amount of \$23,000 in exchange for her release of liability to the City.

On January 7, 2018, Ms. Presberry hit an open manhole while she was driving in the westbound lane of Glendale Avenue, Toledo, Ohio, causing her to have an automobile accident. From the information obtained, it appears that the manhole was reported open through the Cityworks program starting January 1, 2018. A report of the opening was again received on January 2. On January 3, the hole was hit causing damage to another vehicle and on January 4, it was reportedly reset. After these failed attempts to remedy the situation, it was later discovered that the wrong cover was installed, which caused it to fit improperly. Although it is unknown what chain of events led to the cover being dislodged, it is undisputed that hitting the open manhole caused the accident.

Ms. Presberry underwent medical treatment as a result of the accident. Her total medical bills are \$10,118. The vehicle she was driving was totaled.

After negotiations, Ms. Presberry has offered to settle this matter with the City of Toledo in the amount of \$23,000. Her initial demand was \$60,000. I recommend that the City accept Ms. Presberry's offer and settle this claim.

If taken to trial, the expense to the City would most likely exceed the amount of the proposed settlement.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,

*/s/ Rhonny L. Brady*

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Rhonny L. Brady, Senior Attorney