




Alachua County Attorney's Office

Sylvia E. Torres
County Attorney

MEMORANDUM

TO: All Members, Board of County Commissioners

VIA: Sylvia Torres, County Attorney

FROM: Robert C. Swain, Deputy County Attorney 

DATE: September 9, 2025

SUBJECT: Agenda Item #25-00774
Settlement agreements with Clayton/Denise Campbell and Yalonni Johnson-Smith

This is a case involving a motor vehicle accident where a County dump truck failed to make a stop in time, collided with one car, and forced that car into another car. Our vehicle hit the car in front (driven by Ms. Johnson-Smith) at an angle, as the impacts were not square on the rear. From a legal standpoint, it appears that this is a clear case of liability. There are three parties who have legal claims against the County: Denise and Clayton Campbell, a married couple, and Ms. Yalonni Johnson-Smith. The two other vehicles were totaled by the impact. (A copy of the reconstruction photo from the police report is attached for your review.)

Given multiple parties in this matter, there was a concern that this could reach the sovereign immunity cap limit of \$300,000. The parties obtained counsel, with Ms. Johnson-Smith being represented by separate counsel than the Campbells. Each of the individuals had their own unique injury claims and were treated aggressively for their injuries.

Mr. and Mrs. Campbell are retired and therefore missed no time from work. Mr. Campbell incurred \$71,000 in medical bills with \$34,000 still out of pocket. Mrs. Campbell incurred \$66,000 in medical bills and \$26,000 remains out of pocket. Ms. Johnson-Smith incurred \$92,114 medical, with \$37,930 in remaining bills. The balance of their bills were paid by various insurance plans, which have a claim on the settlement. Ms. Johnson-Smith is employed as a dental hygienist and claims that her injuries cause her difficulty on the job. Each of the claimants presented medical evidence showing that they would require treatment in the future, varying from injections to the potential for surgery.

When defending this type of case, one has to consider the property damage involved and relative size of the vehicles involved. In discussions with Risk Management, our outside adjuster, and my

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office, there was a valid concern that any one of the cases could exceed the individual cap for sovereign immunity (\$200,000) were it to go to a jury. This would leave \$100,000 between the two remaining claimants. In addition, the Campbells had applied for and received uninsured motorist benefits from their own insurance company of \$100,000, suggesting that that company felt their injuries were worth more than \$100,000 each. This is a payment that does not impact our responsibility, so it is useful only from an analysis standpoint. The final consideration in our analysis was that, since the Campbells are married, they could each bring a claim for consortium -- loss of support and services for their spouse -- which could increase their damages.

Under these circumstances we agreed to attend a settlement conference to allow the three claimants to negotiate how the \$300,000 sovereign immunity cap could be divided, pending Board approval. Otherwise, it would have been a “race to the courthouse steps” to exhaust the sovereign immunity limits, with the other claimants only able to recover what was remaining. After several hours in the settlement conference, the claimants negotiated the following resolution:

Ms. Johnson-Smith - \$145,000

Mrs. Denise Campbell - \$77,500

Mr. Clayton Campbell - \$77,500

While this division is not exactly what either Risk or our office foresaw, it is a total settlement of the claims, which we believe is in the County’s interest.

- end -

attachment

