



Arapahoe County

5334 South Prince Street
Littleton, CO 80120
303-795-4630
Relay Colorado 711

Board Summary Report

File #: 20-042

Agenda Date: 1/12/2021

Agenda #: 7.g.

To: Board of County Commissioners

Through: Ronald Carl, County Attorney

From:

Erin L. Powers, Senior Assistant County Attorney

Ben Swartzendruber, Senior Assistant County Attorney

Subject:

A resolution to authorize settlement of Ivan Alvarado litigation

Purpose and Recommendation:

Adoption of a resolution to authorize settlement of Ivan Alvarado litigation.

Background:

A civil lawsuit captioned, *Corporal Ivan Alvarado v. Dale Davis and Tyler S. Brown in his capacity as the Arapahoe County Sheriff*, Case No. 19-cv-30969, was commenced against county defendants in the Adams County District Court, arising from a motor vehicle accident of an Arapahoe County Sheriff's Office (ACSO) deputy and member of the Colorado State Patrol on June 17, 2017. This memo and the accompanying resolution seek the Board's formal approval of the settlement the parties agreed to in principle during mediation and as previously discussed with the Board.

On June 17, 2017, the Adams County Sheriff's Office requested emergent assistance from the ACSO and other surrounding law enforcement agencies in relation to a road rage incident involving a person with a gun. ACSO Deputy Davis responded from I-70 with his emergency lights and sirens on and exited onto N. Manila Road, followed by other responding law enforcement. From N. Manila, Davis turn left onto E. 48th Avenue and started travelling westbound on the dirt roadway. Unbeknownst to Deputy Davis or the others, Colorado State Patrol Corporal Ivan Alvarado also received the call for assistance while he was located at the Front Range Airport, and responded heading eastbound on E. 48th Avenue. Unfortunately, Corporal Alvarado and Deputy Davis collided head on at the most unfortunate part of the roadway on E. 48th Avenue and both were injured and transported to the hospital.

The lawsuit brought by Plaintiff Ivan Alvarado sought an amount of damages that would have exceeded the current statutory damages cap of \$387,000, including for medical and rehabilitation expenses, past and future lost wages and non-economic damages and damages for permanent physical impairment.

The parties participated in mediation on December 8, 2020, during which they reached an agreement in

principle on the terms of a settlement, subject to formal approval by the Board.

Discussion:

The County filed a Motion to Dismiss the litigation as barred under the Colorado Governmental Immunity Act, and the Adams County District Court Judge set a hearing to determine that motion in mid-January 2021. During mediation, the parties were able to reach a mutually-acceptable resolution of the claims for an amount deemed reasonable in light of the County's potential risk.

The County Attorney's Office recommends that the Board adopt the proposed resolution accompanying this memo and formally approve the settlement of the claims upon the terms previously discussed with the Board and as will be memorialized in a Settlement Agreement and Full and Final Release to be drafted and approved as to final form by the County Attorney's Office.

Alternatives:

Proceed with the litigation and risk judgment being entered against the County in excess of the settlement amount and up to the \$387,000 statutory damages cap.

Fiscal Impact:

The County will be required to pay the settlement amount agreed to by the parties that was previously discussed with and approved by the Board.

Reviewed By:

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Attachments:

Resolution