



DATE: January 7, 2020
TO: Colorado Springs City Council
FROM: City Attorney's Office
SUBJECT: *Isaiah Morello v. City of Colorado Springs, et al.*
Case No. 19CV32871

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against Scott Bauder.

NATURE OF THE CASE

Plaintiff, Isaiah Morello, filed an action in Colorado State District Court against the City of Colorado Springs ("City") and Scott Bauder, a Colorado Springs Utilities employee. Plaintiff asserts state law claims for negligence, negligence per se against Mr. Bauder and state law claims for negligence/ respondeat superior, negligent entrustment, negligent supervision/ hiring/ retention/ ratification against the City.

In his complaint, Plaintiff alleges that Mr. Bauder caused an automobile accident on October 11, 2018. Plaintiff alleges that he was traveling eastbound on an I-25 frontage road from Tejon Street with a green light. Plaintiff alleges that Mr. Bauder was attempting to travel northbound on Nevada Avenue from Arvada Avenue. The complaint alleges that Mr. Bauder did not stop at a red light and entered the intersection. The complaint states that Plaintiff swerved to avoid striking Mr. Bauder, lost control of his vehicle, hit a curb and then a sign before coming to rest on the shoulder of the road.

As redress, Plaintiff seeks compensatory damages, including past and future medical expenses, lost earnings, emotional distress and loss of enjoyment of life, costs, and pre- and post- judgment interest.

RECOMMENDATION

The Civil Action Investigation Committee met on January 6, 2020 and recommended City representation for Mr. Bauder as required by the Colorado Governmental Immunity Act. Mr. Bauder was acting in the course and scope of his employment and in good faith during the incident. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.