



DATE: February 12, 2021
TO: Civil Action Investigation Committee
FROM: Office of the City Attorney
SUBJECT: *Case 2021CV30075 Sandra Schmatjen vs. Brad Snyder and the City of Colorado Springs*

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

NATURE OF THE CASE

Plaintiff, Ms. Schmatjen, brought this claim in the District Court of El Paso County, Colorado, alleging that she was injured as a result of an accident involving Mr. Snyder and a vehicle owned by the City of Colorado Springs ("City").

Plaintiff alleges that on January 18, 2019, her 1998 Jeep Grand Cherokee was rear ended by a 2018 Freightliner ("snowplow") driven by Mr. Snyder. Plaintiff claims that she was stopped for a red traffic light at the intersection of Briargate Boulevard and Agora Point when the accident occurred. According to Plaintiff, she suffered injuries from the accident. Plaintiff has filed claims against Mr. Snyder alleging negligence and against the City under a respondeat superior theory.

According to reports for this incident, on January 18, 2019, at about 1:20 pm Mr. Snyder was driving the snowplow westbound on Briargate Boulevard and approaching the intersection of Briargate Boulevard and Agora Point. Plaintiff was stopped at a red traffic light at the intersection. As he was approaching, Mr. Snyder was using the two-way radio in the snowplow. After using the radio, he briefly looked down to return the handheld microphone to its mount. After securing the microphone, he realized that Jeep was 30 to 40 feet away. He immediately applied the brakes. Though he was only going between 20 to 25 miles per hour, the weight of the snowplow and the wet roads prevented him from stopping in time, and he struck the back of Plaintiff's Jeep.

RECOMMENDATION

The Civil Action Investigation Committee has recommended that the City represent the employee as required by the Colorado Governmental Immunity Act. The employee was acting in the course and scope of his employment and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.