



**DATE:** October 26, 2018  
**TO:** Colorado Springs City Council  
**FROM:** Office of the City Attorney  
**SUBJECT:** *Denis Prevost v. Kevin Carter*, Case No. 18CV32180, District Court, El Paso County, Colorado

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**

Denis Prevost (“Prevost”) filed this personal injury action in the District Court of El Paso County, Colorado. Prevost’s complaint alleges that he was driving a motor vehicle that was stopped at a red light at the intersection of Nevada Avenue and Arvada Street. Kevin Carter (“Carter”) was allegedly driving a Colorado Springs Utilities truck that was stopped directly behind Prevost’s vehicle. When the traffic light turned green, Carter allegedly rear-ended Prevost’s vehicle. Prevost – pursuant to theories of negligence and negligence per se – seeks to recover damages for personal injury to himself and property damage to his motor vehicle.

#### **RECOMMENDATION**

The Civil Action Investigation Committee recommended the City represent Mr. Carter as required by the Colorado Governmental Immunity Act. Mr. Carter is a public employee acting within the scope of his employment. There is no current evidence nor are there any allegations suggesting Mr. Carter’s actions were willful or wanton. As usual, it is further recommended that the City reserve the right not to pay any award of punitive damages.