



**DATE:** August 27, 2024

**TO:** Colorado Springs City Council

**FROM:** Office of the City Attorney

**SUBJECT:** *Stephanie Hunter v. David Dibler, the City of Colorado Springs, and Colorado Springs Utility Company 24CV31053*

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, Stephanie Hunter, by and through her attorney, brought this case in the District Court of El Paso County, Colorado, alleging that she was injured during a traffic accident with Mr. Dibler. Plaintiff claims the accident was caused by Mr. Dibler's alleged negligence. Plaintiff further claims that as Mr. Dibler's employer, both the City and Colorado Springs Utilities ("Utilities") are liable for her injuries.

Plaintiff alleges that on October 28, 2021, at around 7:40 a.m., she was driving a 2010 Ford Edge westbound on East Woodman Road. She claims Mr. Dibler was directly behind her, driving a 2012 Dodge Ram 4500 that was owned by the City and Utilities. Plaintiff claims that Mr. Dibler was following too closely and struck her vehicle when she stopped for traffic near the intersection of East Woodman Road and North Academy Boulevard. Plaintiff alleges that she was injured in the accident. She is seeking past and future damages for both economic and non-economic losses.

According to reports, on October 28, 2021, at around 7:40 a.m., Plaintiff was driving westbound on East Woodman Road near the intersection of North Academy Boulevard. Mr. Dibler was driving behind Plaintiff. Although the light at the intersection was green, Plaintiff stopped for traffic. Mr. Dibler applied his brakes but was unable to stop in time and collided with the back of Plaintiff's vehicle. The accident caused damage to both vehicles. Plaintiff complained of both neck and knee pain at the scene of the accident but declined to be transported to a hospital.

## **RECOMMENDATION**

The Civil Action Investigation Committee has recommended that the City represent the above-named 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.