

**TO:** Board of Trustees  
**THROUGH:** Jay Fox, Executive Director  
**FROM:** David Wilkins, Assistant Attorney General

**TITLE:**

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**Henshaw v UTA Settlement Approval**

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**AGENDA ITEM TYPE:**

Non-Procurement Agreement

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**RECOMMENDATION:**

It is recommended that the Board approve this settlement agreement and associated disbursements.

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**BACKGROUND:**

The Utah Public Transit District Act requires the Board of Trustees review and approve any contract or expenditure exceeding \$200,000. (UTAH CODE § 17B-2a-808.1(2)(u)(i). This is also required by UTA Board Policy 2.2(III)(D)(1). This claim is for bodily injury to Joshua Henshaw. Mr. Henshaw sustained injuries as a passenger on a UTA bus. The bus braked abruptly for another vehicle making an improper left turn in front of the bus. Mr. Henshaw hit his head on a pole and is claiming a traumatic brain injury from the incident. Through mediation, UTA has reached a settlement agreement, subject to approval by the Board, for \$300,000.

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**DISCUSSION:**

The injuries claimed by Mr. Henshaw are serious, and it is believed that this settlement represents a fair resolution of the matter for both parties.

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**ALTERNATIVES:**

Not approving this settlement would potentially result in further litigation and an unfavorable verdict in court up to the statutory cap, \$779,600.00

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**FISCAL IMPACT:**

UTA is self-insured for this loss. The settlement amount will come out the general claims fund held by UTA for such purposes and will not negatively affect the agency's ability to defend other claims.