



**Request for City Council Committee Action
From the City Attorney's Office**

Date: June 19, 2012
To: Ways & Means/Budget Committee
Referral to:

Subject: Chafoxey Marie Mitchner v. City of Minneapolis and Brooks
Court File No.: 27-CV-11-19647

Recommendation: That the City Council approve the settlement of this case by payment of \$16,000.00 payable to Chafoxey Marie Mitchner and her attorneys, Sawicki & Phelps, from Fund/Org. 06900-1500100-145607 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

Prepared by: Thomas J. Miller Phone: (612) 673-2897

Approved by: *Susan L. Segal*
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact:(Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact (Explain): \$16,000.00 from Fund/Org. 06900-1500100-145607
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent lawsuit arise out of a motor vehicle accident that occurred on September 15, 2009. Vehicle driver Chafoxey Marie Mitchner was traveling west on 44th Avenue and stopped at or near its intersection with University Avenue in Columbia Heights, when she was rear-ended by a City of Minneapolis Public Works truck. Columbia Heights Police responded to the scene of the collision and the accident report noted "Driver Inattention/Distracted" on the part of the City employee as the sole cause of the accident.

As a result of the crash, Ms. Mitchner sustained significant injuries and incurred in excess of \$15,536.84 in treatment expenses. She continues to suffer significant difficulties as a result of her injuries.

Following negotiations with her attorney, we have reached a tentative settlement of Ms. Mitchner's personal injury claim against the City in the amount of \$16,000.00. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 10-30941