



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

Date: March 18, 2009  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Suwana Reynolds v. Thomas Wrayge and City of Minneapolis  
Hennepin County District Court File No. Court File No.: 27-CV-08-13757

**Recommendation:** That the City Council approve the settlement of this case by payment of \$6,500.00 payable to Suwana Reynolds and Heuer, Lund & Flores, P.A., from Fund/Org. 06900-1500100-145685 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:** None.

Prepared by: Sara J. Lathrop Phone: (612) 673-2072

Approved by:   
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): Payment from Fund/Org. 06900-1500100-145685
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Build Community

**Background/Supporting Information**

Ms. Reynolds is suing the City and City employee Thomas Wrayge for personal injuries she suffered in a motor vehicle accident. In October 2001, Mr. Wrayge was driving a City tow truck on

Highway 35W. An unidentified vehicle cut into Mr. Wrayge's lane, cutting him off and forcing him to steer the truck into the next lane. This caused Ms. Reynolds to swerve, and lose control of her vehicle. Eventually her car hit the guard rail, a construction barrel, and Mr. Wrayge's truck.

Ms. Reynolds was seven months pregnant at the time and had several small children in the car with her. She was treated at the hospital to make sure her unborn baby was not injured. It was apparently not injured. Her baby was born a few months later, premature but healthy. Ms. Reynolds sought treatment for injuries from the accident including her back and knee. She was treated by a chiropractor and by a massage therapist over several months. She also had additional visits with an OB-GYN because of the increased risk on her pregnancy.

Ms. Reynolds is currently a Deputy Ramsey County Sheriff. She claims she still suffers pain in her back. She is in relatively good health now and had to pass a physical ability test to obtain her job with the Sheriff. The City hired an expert to evaluate Ms. Reynolds' current physical condition and he opined that her medical costs to date were reasonable, but that she does not have any permanent injuries from the accident. Ms. Reynolds has her own expert who will testify that the injuries were permanent and ongoing and will require costly future medical treatment.

There is little question that the City is liable here because Mr. Wrayge's maneuver caused Ms. Reynolds to lose control of her vehicle. The only question is whether the "unidentified" other car holds some responsibility also. Ms. Reynolds has sued her own insurer for uninsured motorist coverage for this "phantom" vehicle. The insurance company argues that she has not established her claim, and there is some question about that issue because Mr. Wrayge is the only person who claims that there was this phantom vehicle.

Also important is the fact that Ms. Reynolds makes a very sympathetic plaintiff. The jury would be asked to compensate her for her pain and suffering, which could be substantial because of the worry she endured regarding her pregnancy after this accident. At trial, the entire verdict could be borne by the City if a jury finds that there was no "phantom" vehicle. Settling the case now for a moderate amount eliminates that risk.

Originally Ms. Reynolds demanded \$24,000 to settle this case. The City Attorney's Office was able to negotiate a settlement for \$6,500, plus a contribution from the insurer. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.