



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

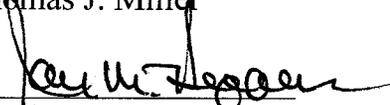
Date: January 16, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: Erin, Inc. v. Johnson & City of Minneapolis
Court File No.: 27-CV-07-18330

Recommendation: That the City Council approve the settlement of this case by payment of \$8,250.00 payable to Secura Insurance Company as subrogee of Erin, Inc., from Fund/Org. 6900 150 1500 6640 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: 
file Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, 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): \$8,250.00 from Fund/Org. 6900 150 1500 6640
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent workers' compensation subrogation claim arise out of a motor vehicle accident that occurred on January 19, 2006. At that time and place, Michael Wilder of Erin, Inc., was proceeding on Hennepin Avenue East in an eastbound direction at or near its intersection with 6th Street Southeast. At that time, Minneapolis City employee Clifford Mark Johnson, Jr., was also proceeding on Hennepin Avenue East in an eastbound direction. At this location, Hennepin Avenue is a one-way street with two lanes. Mr. Wilder was in the left lane and the city vehicle was in the right lane. The City vehicle attempted to make a left turn from the right lane into a driveway and struck the Erin, Inc. vehicle. Minneapolis Police Officer Scott Grabowski responded to the scene of the collision and in his report noted "improper/unsafe lane use" on the part of the City employee as the sole cause of the accident.

As a result of the crash, forty-five year-old Wilder sustained injuries and made a workers' compensation claim. A total of \$9,526.42 was paid in workers' compensation benefits. Following negotiations we have reached a tentative settlement of Erin, Inc.'s workers' compensation subrogation claim against the City in the amount of \$8,250.00. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 07-16788