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

Date: March 16, 2004  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Delia Castle v. City of Minneapolis  
Hennepin County District Court File No.: PI 03-12167

**Recommendation:** That the City Council approve the settlement of this case by payment of \$57,500.00 payable to Delia Castle and her attorneys, Schwebel Goetz & Sieben from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Burt T. Osborne, Assistant City Attorney Phone: 673-2473  
Approved by: Jay M. Heffern  
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

**Financial Impact** (Check those that apply)

No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain): Fund/Org 6900 150 1500 4000

Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**  
City Goals: Build Community

**Background/Supporting Information**

On August 22, 2001, Ms. Delia Castle was traveling northbound on 28<sup>th</sup> Avenue near 41<sup>st</sup> Street East in Minneapolis. There was a flatbed truck in front of Ms. Castle and a Minneapolis squad car in front of the flatbed truck. The squad car pulled over to the right shoulder of the road, and as the flatbed truck passed the squad car, the squad pulled out into traffic attempting to make a sudden U-turn. The squad car struck the vehicle being driven by Ms. Castle. The squad car's lights and

sirens were never activated. Ms. Castle and her infant daughter were in the car. There is no claim on behalf of Ms. Castle's infant daughter and Ms. Castle's car was totaled.

Based on the testimony of the police officer and based on the circumstances of the case, the City has admitted liability.

Ms. Castle's physician and the City's doctor agree that Ms. Castle sustained a permanent injury as a direct result of the accident consisting of two ruptured discs and ongoing musculoligamentous cervical spine strain. Ms. Castle may need future surgery to repair the ruptured disks, and she has been to the emergency room and urgent care several times due to the severity of her pain and the resulting immobility.

At a non-binding arbitration, a Judge awarded Ms. Castle \$75,968 for pain and suffering and past and future wage loss and medical expenses. The City appealed that arbitration award. In further negotiations, Ms. Castle and the City tentatively settled the matter for \$57,500 in exchange for a full release of claims. Based on the severity of Ms. Castle's injuries and on the possibility of future corrective surgery on her back, we recommend that your Committee approve the tentative settlement.