



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

Date: August 27, 2004
To: Ways and Means Budget Committee
Referral to:

Subject: Jennifer Eastman AKA Smith v. City of Minneapolis, et al.

Recommendation: That the Council approve settlement of this matter for the sum of \$3,000.00 payable to Jennifer Eastman and her attorney Christopher Johnson from Fund/Org. 6900 150 1500 6750.

Previous Directives: None

Prepared by: Edward Backstrom Phone: 673-2072

Approved by: *Jay M. Heffern*
Jay M. Heffern
City Attorney

Presenter in Committee:

<p>Financial Impact (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input type="checkbox"/> Other financial impact (Explain):</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p>Community Impact: None</p>
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Background/Supporting Information

This lawsuit has been assigned to Judge Porter of Hennepin County District Court. The underlying facts are not disputed. On September 18, 2002 Plaintiff stopped her vehicle behind another vehicle at a red light in the southbound lane of Hennepin Avenue and at West Franklin Avenue. Water department employee David Brustad stopped the truck he was operating behind Ms. Smith. He states that he was looking at his paper work, and in reaction to perceived

movement ahead of him, he started forward, striking Ms. Eastman's vehicle and pushing it into the vehicle in front of her vehicle. Brustad states there was no damage to the City truck.

Ms. Eastman claims that she received soft tissue injuries to her neck and back as a result of the accident. She initially treated with Dr. Michael Pinchback at North Memorial Clinic for head and neck pain. Dr. Pinchback diagnosed her with a whiplash injury. She subsequently received treatment from Dr. Stussy, a chiropractor for complaints of upper back pain, neck stiffness, and headaches. Dr. Stussy has given the opinion had Eastman received a permanent injury as a result of the accident. Eastman also treated at Comprehensive Rehabilitation. The medical specials claimed are \$5,575.51.

When the matter was at the claim stage, Plaintiff made a settlement demand of \$17,500.00. This was rejected. After the lawsuit was filed her attorney lowered the demand stating Ms. Eastman found the lawsuit stressful. A new demand was made for \$7500. Plaintiff has now agreed to settle the matter for \$3,000.00. The City Attorney's office litigation committee has recommended settlement in this amount.