



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

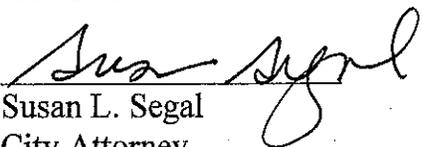
Date: August 26, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: Diane Clark v. City of Minneapolis
Claim

Recommendation: That the City Council approve the settlement of this case by payment of \$5,250.00 payable to Diane Clark and her attorney, Mark E. Ferkul, from Fund/Org. 06900-1500100-145400 and authorize the City Attorney's office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: Franklin Reed Phone: (612) 673-3919

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. 06900-1500100-145400.

Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

On August 30, 2006, Claimant was traveling southbound on 3rd Avenue South toward the intersection at East 36th Street. At approximately the same time Nicole Chivers entered that same intersection. She was traveling northbound, with benefit of the green light, on 3rd Avenue South. As she passed through the intersection the vehicle she was operating was struck by a MPD patrol car which was traveling eastbound on 36th Street against the red light. At the time of the accident the patrol car's warning lights had been activated but the siren was not sounding. After the initial collision the vehicle operated by Nicole Chivers spun out of control and ultimately collided with the automobile operated by Claimant. Claimant suffered injuries to her neck and upper back. Pain persisted for some months after the accident.

This proposed settlement has been discussed with the Minneapolis Police Department and they are in agreement with the proposed terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

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