



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

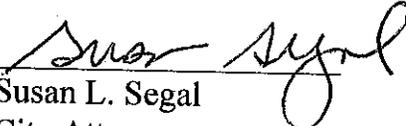
Date: December 3, 2009  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Marlene Cariveau v. City of Minneapolis  
Court File No.:

**Recommendation:** That the City Council approve the settlement of this case by payment of \$4,000.00 payable to Marlene Cariveau and James Cariveau, husband and wife, and their attorney, Thomas F. DeVincke, from Fund/Org. 06900-1500100-145607 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:   
 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): \$4,000.00 from Fund/Org. 06900-1500100-145607
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Other

**Background/Supporting Information:**

This matter and subsequent claim arise out of a trip and fall accident that occurred on August 27, 2005. At that time and place, Mrs. Cariveau and her husband James were walking on a City sidewalk along South Eighth Street. Ms. Cariveau then tripped over an uneven sidewalk and fell, injured her left eye and broke her glasses. Mrs. Cariveau tripped on a bump in excess of one inch-and-a-half created by two concrete sidewalk pavers that were not level. Further, this bump was not marked in any way by signage or colored paint to warn pedestrians of the danger. The area in question was subsequently repaired by the City and leveled by application of black top to the area of the bump.

Following extensive negotiations we have reached a tentative settlement of Mrs. Cariveau's bodily injury claim against the City in the amount of \$4,000.00. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 07-34189