



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

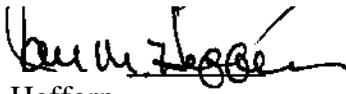
Date: February 21, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Ahmed Rabi Claim
Negligence, Automobile Accident and Personal Injury Case

Recommendation: That the City Council approve settlement of the claim filed by Ahmed Rabi in the amount of \$12,500.00 payable to Ahmed Rabi and his attorney, Eric W. Valen, Esq. That the City Council authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of Ahmed Rabi's claim, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Charl:J. Brown ant City Attorney Phone: 612-673-2903

Approved by: 
 Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

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| <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 checked="" type="checkbox"/> Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000 <u>Request provided to the Budget Office when provided to the Committee Coordinator</u></p> |
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| <p>Community Impact: City Goals: Build Community</p> |
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Background/Supporting Information:

Facts

On June 3, 2005, Ahmed Mohamed Rabi was driving his taxi southbound on Marquette Avenue in Minneapolis, Minnesota near the intersection of 12th Street South. A Minneapolis Police vehicle driven by

Officer Lance Faust was in front of Mr. Rabi's vehicle on Marquette Avenue. Suddenly, the police vehicle began moving in reverse and struck Mr. Rabi's cab. Mr. Rabi's airbags did not deploy as a result of the impact. However, as a result of the impact, Mr. Rabi's 2003 Ford Crown Victoria taxi sustained \$3,035.51 in damages.

Injuries and Medical Treatment

On June 4, 2005, Mr. Rabi presented to the emergency room at Hennepin County Medical Center with complaints of neck and back pain. Mr. Rabi was diagnosed with cervical and lumbar strain, prescribed hydrocodone and ibuprofen, and advised to follow-up with his primary physician if his symptoms did not resolve.

On June 6, 2005, Mr. Rabi presented to Robert Shelton, D.C. After the initial examination and x-rays, Dr. Shelton diagnosed Mr. Rabi with a bulging lumbar disc, lumbar radiculitis, cervical herniations at C3-4 and C4-5 and joint dysfunction in the cervical, thoracic and lumbar spine. It was Dr. Shelton's plan to treat Mr. Rabi with spinal adjustment, physical therapy modalities and rehabilitation in order to re-establish normal biomechanics of the spine and reduce Mr. Rabi's pain

However, after approximately a month of physical therapy treatments, Dr. Shelton referred Mr. Rabi to pain specialist Alfonzo Morales, M.D. for evaluation of his ongoing neck pain, thoracic pain, lumbar pain and headache. Mr. Rabi presented to Dr. Morales on September 1, 2006 with complaints of neck and right-sided low back pain. Upon examination there was tenderness throughout the lumbar paraspinals L4, L5 and S 1. Mr. Rabi had difficulty with flexion with stiffness and muscle spasm bilaterally. Dr. Morales recommended an MRI of the lumbar spine, the results showed a central bulge at L5-S1 to a lesser degree L4-5 and L3-4, minimal central canal stenosis, subtle slight asymmetric protrusion of disc to the right at L4-5 creating mild right lateral recess and mild somewhat more focal right up-down foraminal compromise.

Dr. Morales opines that Mr. Rabi sustained a post traumatic cervical, thoracic, lumbar sprain/strain, cervical herniated disc at C3-4, lumbar facet arthropathy at different levels and disc herniation at L4-5 with protrusion towards the right. It was Dr. Morale's plan that Mr. Rabi continue with chiropractic care, strengthening of neck and lower back muscles and his medications of Ultracet and Celecoxib.

In Dr. Shelton's narrative report of July 13, 2006, he opines that Ahmed Mohamed Rabi has sustained permanent injuries as a direct result of the June 3, 2005, motor vehicle collision. Further, Dr. Shelton states that the injuries sustained by Mr. Rabi's ligamentous and muscular instability in the cervical, thoracic and lumbar spine will probably result in continued advanced disc degeneration and spondylosis in the ensuing years.

Special Damages

As a direct result of the alleged injuries sustained in this accident, Ahmed Mohamed Rabi has incurred the following medical expenses:

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| Hennepin County Medical Center – 06/04/05 | 173.88 |
| Hennepin Faculty Associates – 06/04/05 | 115.00 |
| Shelton Chiropractic – 06/06/05 – 08/30/05 | 5,179.00 |
| Noran Neurological Clinic – 06/07/05 | 194.82 |
| Central Medical Clinic – 07/20/05 – 09/01/05 | 625.00 |
| Spine Imaging – 07/20/05 | 2,800.00 |
| Northstar Radiology – 07/20/05 | 500.00 |
| Total Special Damages: | \$9,587.70 |

The City's Liability

Officer Faust was backing in traffic with his emergency lights activated. However, Minneapolis' Vehicle Operation Policy ("Emergency Policy"), Section 7-402 reads:

EMERGENCY RESPONSE. All MPD officers shall use red lights and sirens in a continuous manner for any emergency driving. Officers responding to a Code 3 emergency shall exercise caution and due consideration for the safety of the public. Although Minn. State Stat. 169.03 and 169.17 exempts officers from traffic statutes, the use of the red lights and siren does not exempt officers from the need for caution nor does it exempt them from criminal or civil liability."

Settlement History

A lawsuit has not been filed in this matter. In an effort to avoid the filing of suit and costly litigation, Mr. Rabi initially demanded settlement of his claim for \$30,000.00. If this matter were brought to trial, the City would risk paying this amount or more, in addition to court costs and disbursements. However, after much negotiation, Mr. Rabi has agreed to settle his claim for \$12,500.00. Given the facts, liability and damages, in addition to the uncertainty and cost of litigation, the City Attorney's Office believes that the proposed settlement of \$12,500.00 is in the best interest of the City of Minneapolis and recommends approval. The Minneapolis Police Department's administration agrees with the City Attorney's recommendation.

05L-0249