



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

Date: November 2, 2005  
To: Ways & Means/Budget Committee  
Referral to:  
  
Subject: Dadirow Mohamed  
Auto/Personal Injury Claim

Recommendation: That the City Council approve settlement of the claim filed b Dadirow Mohamed in the amount of \$12,000.00, payable to Dadirow Mohamed and Rossini & Rossini, P.A., his attorney, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 6850.

**Previous Directives:** None.

Prepared by: Charles J. Brown, Jr., Assistant City Attorney Phone: 612-673-2903

Approved by: \_\_\_\_\_  
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): Payment from Fund/Org. 6900 150 1500 6850
- Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**

City Goals: Build Community

**Background/Supporting Information**

This case arises out of an automobile accident that occurred on May 6, 1998, in the Minneapolis impound lot at Colfax Avenue North. The claimant, Dadirow Mohamed, was driving his 1989 Toyota in the Minneapolis impound lot because his passenger, Sirad Admed, brought a battery to

install in Ms. Ahmed's impounded vehicle. He was following a City impound employee who was driving a 1999 Ford van owned by the City. The City employee led Mr. Mohamed to the location of Ms. Ahmed's car. However, the City employee stopped his van as he reached an area identified as number 6. At this point, the City employee dropped off another impounded vehicle owner and needed to back up in order passage for the vehicle owner. To this end, the City employee unknowingly backed into the front end of the Mr. Mohamed's Toyota. As a result of the damage, Mr. Mohamed's Toyota was totaled out at the NADA retail value of \$1,925.00. An MPD officer wrote a report attributing the accident to the City employee's "failure to yield right of way" and "unsafe backing."

Due to this accident, Dadirow Mohamed claims injuries involving to his right knee pain, headaches, neck pain and back pain. In addition, he has been diagnosed with post-traumatic cervical strain, post-traumatic lumbar strain, cervicgia, lumbago and myofascial pain. Mr. Mohamed's extensive conservative medical treatment totals \$12,489. Currently, he seeks medical treatment on an "as needed" basis. His future medical costs are estimated to be \$15,000.00.

Dadirow Mohamed has sustained verifiable injuries as a result of the subject accident. Therefore, on June 2, 2005, an arbitrator ordered Mr. Mohamed's no-fault insurance carrier to pay to him approximately \$13,000.00 plus statutory interest in damages. Mr. Mohamed's January 8, 2005, MRI, however, revealed unremarkable and normal lumbar conditions. Also, Mr. Mohamed was involved in a prior automobile collision on October 22, 1999, which resulted in cervical muscle spasms, cervical edema and lumbosacral tenderness.

Daidrow Mohamed initially demanded \$22,500 in an effort to avoid the filing of a lawsuit. Finally, a proposed settlement of \$12,000.00 was negotiated on behalf of the City and its employee.

Liability is clear in this case because the City driver "failure to yield right of way" and practiced "unsafe backing." Daidrow Mohamed has verifiable injuries and damages, although the magnitude of his injuries is strongly disputed by the City Attorney's Office. Given Mr. Mohamed's medical costs and liability on the part of the City driver, a jury could award a substantial amount for even an aggravation of a pre-existing injury. Accordingly, the City Attorney's Office believes that the proposed settlement is in the best interest of the City of Minneapolis and recommends approval.

04L-0134