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

Date: January 16, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: King v. Mely and City of Minneapolis
Court File No.:

Recommendation: That the City Council approve the settlement of this case by payment of $7,739.70 payable to Progressive Northwestern Insurance Company and its attorney, James P. Young, from Fund/Org. 6900 150 1500 6660 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: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, 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.
_X_ Other financial impact (Explain): $7,739.70 from Fund/Org. 6900 150 1500 6660
___ 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 motor vehicle accident that occurred on January 30, 2003. At that time and place, Keith Douglas King was proceeding westbound on East 55th Street approaching Shoreview Avenue operating a 1992 Buick owned by Caryn Arlene Day and insured with Progressive Insurance. A city truck was then proceeding northbound on Shoreview Avenue. This was an uncontrolled intersection, and therefore King, being on the right of the City truck, had the right of way. Minneapolis Patrolman Illgen responded to the scene of the collision and in his accident report noted "failure to yield right of way" on the part of the City employee as the sole cause of the accident.

As a result of the crash, thirty-nine year-old Keith Douglas King sustained permanent injuries to his neck and back, and in excess of $39,421.57 in treatment expenses. The payment of Mr. King's no-fault medical expenses have been borne by Progressive Insurance. The insurer now seeks repayment of these monies due to our uncontested liability for the accident and their statutory no-fault subrogation rights.

Following extensive negotiations we have reached a tentative full and final settlement of Progressive Insurance Company's no-fault subrogation claim against the City for the amount of $7,739.70. We believe that this settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 04L-0479