



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

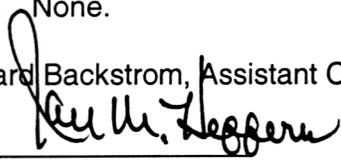
Date: March 29, 2002  
To: Ways & Means/Budget Committee  
Referral To: None

**Subject:** Liberty Mutual Insurance Co. v. City of Minneapolis

**Recommendation:** That the City Council approve settlement of this case by payment of \$2,059.56 to Plaintiff Liberty Mutual Insurance Co. and its attorney, Nicole Ritland, payable from Fund/Org. 6900 150 1500 4000.

**Previous Directives:** None.

Prepared by: Edward Backstrom, Assistant City Attorney Phone: 673-2072

Approved by:   
Jay M. Heffern  
City Attorney

**Presenter in Committee:** Jay M. Heffern, City Attorney

<p><b>Financial Impact</b> (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</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> City Goals: Build Community</p>
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**Background/Supporting Information**

This claim arises out of a November 27, 1998, automobile accident between a Minneapolis patrol car driven by Officer Leiter and a pickup truck driven by Steven Winkel. As a result of the accident, the two occupants of the pickup truck were killed. The City settled the claims arising from the deaths for \$600,000, the statutory limit.

The two persons killed were not the only parties damaged however. As a result of the accident, the pickup truck struck the house located at 3152 36<sup>th</sup> Avenue South causing damage. The owner of the house was

insured by the Plaintiff, Liberty Mutual Insurance Co., which paid the owner \$2,059.56 for damages. The insurance company is subrogated to the rights of the owner and is claiming that the City's negligence caused the damage. It is therefore claiming that the City pay the company the amount it paid its insured.

This matter was presented to the City Attorney's Office Litigation Committee, which has recommended payment of the amount claimed. The City has previously acknowledged that it was negligent in this matter and there would appear to be no grounds for contesting the insurance company's claim.

EAB:sk/01L-0103