



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

Date: July 2, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: Claim of Sharon Williams

Recommendation: That the City Council approve the settlement of this case by payment of \$7,500.00 payable to Sharon Williams and Brenengen & Associates, from Fund/Org. 06900-1500100-145280 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None.

Prepared by: Sara J. Lathrop *SJL* Phone: (612) 673-2072

Approved by: *Susan Segal*
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): Payment from Fund/Org. 06900-1500100-145280 and
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Build Community

Background/Supporting Information

On January 28, 2004, a red Minneapolis Fire Department van, driven by a City employee, collided with a Toyota Turcel at the intersection of the I-94 off ramp and West Broadway Avenue in Minneapolis. The Toyota was stopped at the intersection, and the fire vehicle struck it from the

rear. The fire department vehicle was traveling fast enough to generate damage to the front end of the fire van.

Claimant Sharon Williams was the front-seat passenger in the Toyota. The police accident report indicates Ms. Williams was injured.

Ms. Williams was treated by a chiropractor for 4 months, about 5 times a week, with bills totaling \$6,800. The chiropractic records showed back pain (upper and lower lumbar); sacroiliac pain, bilateral mid-back stiffness, and numbness of the left leg.

The driver of the car (and Ms. Williams' husband) Charles Williams sued the City in 2004 for this same incident, and in 2005 the City settled his case for \$25,000. He had medical bills for injuries to his arm and shoulder and underwent surgery.

Ms. Williams has an expert opinion that her injuries were caused by this accident.

Ms. Williams' attorney has made a demand in this case of \$37,500. The City Attorney's Office was able to negotiate a proposed settlement for \$7,500. Given the alleged damages and potential for liability, this settlement will likely cost the City less than the case would ultimately cost if taken to trial.

Fire Chief Alex Jackson has approved this proposed settlement. The City Attorney's Office recommends approval of this settlement and asks that the City Council approve the settlement of this case by payment of \$7,500.00 payable to Sharon Williams and Brenengen & Associates, from Fund/Org. 06900-1500100-145280, and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.