



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

Date: November 18, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Timothy R. Davison v. City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$24,000.00 in Underinsured Motorist benefits payable to Timothy R. Davison and his attorney, James R. Schwebel, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

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Approved by: Jay M. Heffern
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.
 Other financial impact (Explain): \$24,000.00 from Fund/Org. 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This claim for Underinsured Motorist benefits arises from an auto accident occurring on 9/9/06. At that time and place claimant, Sergeant Tim Davison, was driving an unmarked registered 2006 Ford police vehicle in a eastbound direction on 5th Street North when it was struck broadside by a 2000 Nissan Pathfinder operated by a drunk driver traveling approximately 50 mph in a southbound direction on 3rd Avenue North in Minneapolis. The drunk driver ran the red light at the intersection.

The impact was severe and both vehicles were towed and totaled. All three involved persons were injured and transported to the hospital by ambulance. Sgt. Davison sustained multiple injuries including facial lacerations and three residual scars, a blow-out fracture of the inferior and lateral walls of the left eye orbit with blurry/double vision, left lateral wall maxillary sinus fracture, posteromedial left 1st rib, fracture of the left T-2(mid-back) spinous process, four chipped teeth, left fibula fracture, left shoulder impingement syndrome and a bruised heart.

Sgt. Davison was hospitalized in intensive care for 3 days and continues to suffer various sites of pain and double vision. He also continues to experience numbness in the area of a laceration to his lip. He was off of work for 9 weeks and suffered \$20,000.00 in wage loss. His medical expenses have exceeded \$33,000.00. His medical and wage loss have been paid. He may undergo plastic surgery on his facial scars which would cost \$5,000.00 - \$8,000.00 and will involve 3-5 days of convalescence.

Sgt. Davison settled with the at-fault driver's insurance for the \$100,000.00 liability limit, of which \$26,847.72 was paid to the City of Minneapolis in partial repayment of the workers' compensation benefits paid to Sgt. Davison. Sgt. Davison then presented a claim for the \$25,000.00 underinsured motorist coverage provided by the City of Minneapolis for its registered vehicles. Following negotiations, the claim was settled for \$24,000.00.

We believe that this settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 07-03766