



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

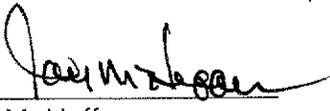
Date: July 14, 2004
To: Ways and Means/Budget Committee

Subject: Eric Mann v. City of Minneapolis, et al

Recommendation: That the City Council approve settlement of the personal injury claim of Eric Mann for the payment of \$18, 850.00 to Eric Mann and his attorneys Patrick Johnson and Gerald Keating from Fund/Org 6900 150 1500 8500.

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>Financial Impact (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): Fund/Org 6900 150 1500 8500</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>

<p>Community Impact: City Goals: Build Community</p>

Background/Supporting Information

The plaintiff is a 52-year-old violin repairer. In August of 2002 he was moving and selling his home at 4624 30th Avenue South, and was moving. In preparation for the sale, a truth in housing report was prepared. This report required that a City inspector approve the installation of the water heater and the stove, among other things.

On August 5, 2004, the lead plumbing inspector of the City, Robert Wolf entered plaintiff's home to conduct an inspection. In inspecting the installation of the water heater Inspector Wolf was required to check the venting of the water heater. This venting had been installed in a manner that the furnace also used the same venting. In order to check the venting, Inspector Wolf needed to have both the water heater and the furnace operating at the same time.

The furnace was located within a basement interior wall. The gas valves were on one side of the wall and the opening to the burner was on the other side. The plaintiff directed Inspector Wolf to the valves. There were instructions next to the valves which Inspector Wolf did not read. He turned on the main gas valve and the pilot valve, and very briefly pushed a button which he believed would start the pilot light. Inspector Wolf did not believe that gas would go to the main burner until the pilot light had warmed a thermocouple which would then allow the gas to flow to the main burner. Inspector Wolf based his belief on his work with water heaters and his own furnace. He has no expertise in the area of furnaces and had never seen a furnace like this before. Inspector Wolf says that after he turned on the gas valves, the plaintiff went upstairs for several minutes and then returned attempted to manually light the furnace. At that time Wolf heard a whoosh, and went to the other room and found that the plaintiff had been burned.

The plaintiff states that he had never previously lit the furnace and that because the house was being sold, the furnace had been turned off. The procedure they followed did not seem correct, but plaintiff did not question it because Wolf was a City inspector. Wolf turned on the gas and then instructed him to get a lighter. Plaintiff states this took him several minutes and that he came back downstairs and attempted to light the furnace. When he did so, the gas exploded burning his right hand, face, and arms.

Plaintiff was treated first at Abbott Northwestern Hospital and then transferred to the HCMC burn unit. After this, his wife, a nurse, took care of him at home. Plaintiff alleges burns to approximately 10% of his total body surface, on his right hand, right forearm, upper left arm, and right side of face, with 2% being second degree burns and the remainder first degree burns. The City's IME measured the burn area as 4% of plaintiff's total body, 3% occurring on the arm, face, left upper arm, and 1% on the hand that was second degree. Plaintiff claims \$3,000 in medical specials.

Plaintiff has permanent scarring on the back of his right hand (he is right handed). He also claims that his playing of tennis and golf has been curtailed because he must wear long clothing to protect his permanent scarring from the sun. Plaintiff alleges that he experienced nightmares about the accident and briefly took antidepressants.

The City Attorney's office litigation committee has also recommended settlement in the amount of \$18,850.00. The proposed settlement agreement was made at a settlement conference before Judge Gary Larson that was attended by CM Lane.