



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

Date: September 5, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Anthony Bowie, Sheryl Bowie and Kenterrious Carroll v. City of Minneapolis
Court File No.: 27-CV-07-2848

Recommendation: That the City Council approve the settlement of this case by payment of \$30,000.00 payable to Anthony Bowie and Sheryl Bowie and their attorney, Joel W. Brodd, and \$3,000.00 payable to Kenterrious Carroll and his attorney, Joel W. Brodd, from Fund/Org. 6900 150 1500 6070 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
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: Payment from Fund/Org. 6900 150 1500 6070
 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 March 10, 2005. At that time and place, Anthony Dewayne Bowie was southbound on 14th Avenue South at its intersection with East 41st Street. His son, Kenterrious Carroll, was riding in the vehicle as a front seat passenger. At that time, Minneapolis City employee Presley Taylor was operating a snowplow spreading sand due to icy conditions that day. Mr. Taylor was traveling in an eastbound direction on East 41st street and was unable to stop at a stop sign for his direction of travel when he reached the intersection with 14th Avenue South. As a result the Minneapolis snowplow struck the side of the Bowie vehicle. The Bowie vehicle was totaled as a result of the crash. Minneapolis Police Patrolman Tyra responded to the scene of the collision and in his report noted failure to yield right of way and skidding on the part of the City employee as the sole causes of the accident.

As a result of the crash, thirty-nine year old Anthony Bowie sustained a permanent right knee injury and underwent surgery on August 16, 2005. His medical expenses are in excess of \$31,000.00. His permanency is supported by his treating orthopaedic surgeon. He continues to have pain and limitation problems with his right knee post-surgery. Anthony Bowie also alleges continuing neck and back discomfort as well. His wife, Sheryl, alleges damage to their marital relationship due to her husbands injuries. She now must do many tasks around the house that he was doing prior to the collision.

Nineteen year old passenger Carroll alleges ongoing neck and back pain since the date of the accident. He has treated these injuries at both Fairview University Hospital on the date of the collision and with a chiropractor thereafter. Carroll's medical treatment totals \$3,511.87.

Following extensive negotiations at mediation we have reached a tentative settlement of the Bowie's claims against the City in the amount of \$30,000.00. We have also reached a tentative settlement of Carroll's claim against the City in the amount of \$3,000.00. We believe that these settlements are in the best interests of the City and recommend approval by this Committee.

TJM / 07-01910