



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

Date: April 5, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Robin Goodwin v. City of Minneapolis
Hennepin County District Court File No. PI 05-006243
Uninsured/Underinsured Motorist (UIM) Coverage and
Personal Injury Case

Recommendation: That the City Council approve settlement of the lawsuit filed by Robin Goodwin in the amount of \$4,500.00, payable to Robin Goodwin and her attorneys, Griffel & Dorshow, Chartered, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900-150-1500-7110-6020-01-8500.

Previous Directives: None.

Prepared by: Charles J. Brown, Jr., Assistant City Attorney Phone: 612-673-2903

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.

(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 7110 6020 01
8500.

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

On April 22, 2005, Plaintiff and city employee, Robin Goodwin, filed an underinsured motorist (UIM) suit against the City of Minneapolis for injuries she sustained in a job related auto accident.

On January 31, 2001, Robin Goodwin was stopped at a red light when she was rear ended by a vehicle driven by Mark Melius. The force of this impact caused Ms. Goodwin's vehicle to collide with the rear end of another vehicle. At all pertinent times, Ms. Goodwin was driving in the course and scope of her employment as a City Housing Inspector. As a result of the subject accident, Ms. Goodwin claimed injuries and permanent partial disabilities to her neck, thoracic spine, head (vascular headaches), and right shoulder. The medical reports of Dr. Robert Jacoby and Dr. Anthony Hart support Ms. Goodwin's claims. However, the City admitted that Ms. Goodwin sustained a temporary neck strain which healed without permanent injury. The City's position is supported by the medical report of Dr. Tilok Ghose, an independent medical examiner (IME). Due to Ms. Goodwin's work related injuries, she was moved to a CAD drafting position with the City. In addition, Ms. Goodwin's medical history indicates she suffered a prior work-related neck injury with a previous employer, for which she received permanent partial disability benefits in 1989.

Ms. Goodwin entered an Naig settlement with the at fault driver's insurance company for \$13,000.00 of the \$30,000.00 liability limits. The City did not choose to substitute its draft for the settlement. However, the City settled its subrogation claim against the at fault insurer in the amount of \$7,000.00. On or around April 30, 2004, the City settled Robin Goodwin's workers' compensation claim for the lump sum payment of \$7,000 plus attorney fees, the payment of certain outstanding medical bills, and the approval of limited physical therapy treatment. The City satisfied Goodwin's workers' compensation related medical bills through April 30, 2004. Since this date, Ms. Goodwin remains under chiropractic care and has incurred over \$1,000 in additional medical expenses.

Ms. Goodwin has sustained some verifiable injuries as a result of her work related injuries and she requires continued intermittent treatment for these injuries. Ms. Goodwin initially demanded the City's underinsured motorist policy limit of \$25,000.00 as full and final settlement of her UIM claim. The City Attorney's Office rejected this offer of settlement. Hence, Ms. Goodwin filed suit on April 22, 2005. The trial block for this matter is scheduled for May 8, 2006 through June 5, 2006. In light of a January 23, 2006, arbitration decision in the City's favor, Ms. Goodwin reduced her settlement demand to \$9,000.00. The City Attorney's Office also rejected this settlement offer. In consideration of Ms. Goodwin's verifiable injuries and the undisputed liability in this case, the City Attorney's Office suggested and Ms. Goodwin agreed to accept \$4,500.00 in full and final settlement of Ms. Goodwin's UIM lawsuit. Given the uncertainty of a jury's assessment of Ms. Goodwin's damages, the City Attorney's Office believes settlement in the amount of \$4,500.00 is in the best interest of the City.