



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

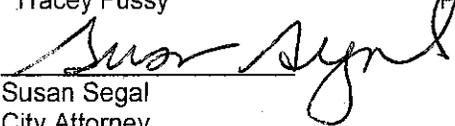
Date: June 16, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: Mabruka Abdullahi v. City of Minneapolis

Recommendation: That the City Council pay the award against the City in this case by payment of \$13,736.90 payable to Yost & Bail from fund/org 06900-1500100-145685, and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: Tracey Fussy Phone: (612) 673-2254

Approved by: 
Susan Segal
City Attorney

Presenter in Committee: Susan 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): \$13,736.90 from Fund/Org.06900-1500100-145865
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

On November 25, 2005, Mabruka Abdullahi was struck by a City sand truck while driving her vehicle. The driver of the City's sand truck failed to stop at a stop sign at the intersection of 4th Street and 36th Avenue in Minneapolis and collided with Ms. Abdullahi's vehicle. Farhan Abdullahi, Mohamed Abdullahi and Safia Aliy were passengers in Ms. Abdullahi's vehicle. All occupants of Ms. Abdullahi's vehicle sustained personal injuries. Under the No-Fault statute, Minn. Stat. 65B.53, when an insurer is obligated to pay for the economic loss of its insured, that insurer is entitled to indemnity from the insurer of the commercial vehicle when the operation of the commercial vehicle was the direct and proximate cause of the injury. Here, the City is self-insured and the sand truck constitutes a "commercial vehicle." Pursuant to the statute, the parties are obligated to submit to binding arbitration. The Minnesota Commissioner of Commerce had designated Arbitration Forums, Inc. as the entity that handles claims under Minn. Stat. 65B.53. Arbitration Forums determined the driver of the sand truck was at fault for the accident which caused the injuries to Ms. Abdullahi and the occupants of her vehicle. Ms. Abdullahi's insurer paid Ms. Abdullahi and her occupants for the economic loss

they sustained. Arbitration Forums awarded \$5118.30 to Mabruka Abdullahi, \$1165.88 to Farhan Abdullahi, \$3707.86 to Mohammed Abdullahi and \$3744.86 to Safia Aliy.