



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

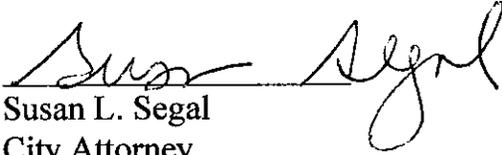
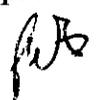
Date: March 27, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: Michael Luke Wilder v. City of Minneapolis

Recommendation: That the City Council approve the settlement of this case by payment of \$6,750.00 payable to Michael Luke Wilder and his attorneys, Milavetz, Gallop & Milavetz, from Fund/Org. 06900-1500100-145664 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: 
 Susan L. Segal
City Attorney

Presenter in Committee: Susan L. 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): \$6,750.00 from Fund/Org. 06900-1500100-145664
- 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 January 19, 2006. At that time and place, Michael Luke Wilder was eastbound in the left of two one-way lanes on Hennepin Avenue East just past its intersection with 6th Street East in Minneapolis. Minneapolis City Public Works employee Clifford Mark Johnson, Jr., was also traveling in an eastbound direction on Hennepin Avenue East in the right lane when he attempted to turn left into a driveway, causing claimant's vehicle to strike the driver's side of the City truck. Minneapolis Police Officer Scott Grabowski responded to the scene of the collision and in his report noted "improper/unsafe lane use" on the part of the City employee as the sole cause of the accident.

As a result of the crash, forty-four year-old Michael Luke Wilder sustained a chronic neck injury and in excess of \$10,000.00 in treatment expenses. He now continues to have daily pain and difficulties with his daily activities at work and home.

Following lengthy negotiations we have reached a tentative settlement of Mr. Wilder's bodily injury claim against the City in the amount of \$6,750.00. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / PM#9-00728